



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 6, 2008, 8:00 p.m.

MEETING

The Meeting of the City Council was called to order by Mayor Sweeney at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Ward.

ROLL CALL

Present: COUNCIL MEMBERS Rodriquez, Quirk, Halliday, Ward, Dowling,
Henson
MAYOR Sweeney
Absent: COUNCIL MEMBER None

PRESENTATION Business Recognition Award

Mayor Sweeney, on behalf of the City of Hayward, presented the May 2008 Business Recognition Award to Pacific Cheese Company, Inc. Pacific Cheese, an industry-renowned cheese company, began operations in 1971 in South San Francisco and moved to Hayward in 1988. This award is given in recognition of the contributions this company has made to the community by: being an industry leader; locating its headquarters in Hayward; providing jobs to Hayward residents; and contributing to the social and economic well being of the Hayward community. Mark Rudolph, chief operating officer for this company accepted the award, thanked the Council for this award, and commented that his company has been in operation for over 20 years.

PUBLIC COMMENTS

Diane Fagolde, a volunteer at the South Hayward Parish, announced the South Hayward Stroll and distributed information on this effort to familiarize the community on services that are offered in this area.

Francisco Zermefio thanked Mayor Sweeney and the City Council for supporting the Allianza in celebrating the annual Cinco de Mayo event. He apologized for submitting the application past the due date for this year's funding. He noted that the committee for the Martin Luther King Celebration Committee was also late in submitting its application due to certain circumstances. He requested that perhaps in the future, these special City-sponsored events, as well as the Hayward Municipal Band, be separately considered as they are community driven.

Wynn Grich, spoke on emissions and on the recent emission forum held in the Peninsula. She commented on recent sewage spills, marsh land contamination and ammonia contamination.

Theresa Combs spoke against Hayward allowing the Calpine power plant to be constructed in Hayward and the harm from emissions that will impact this community.

DRAFT

Jonathan Combs spoke against having two power plants in Hayward and discussed emissions credits.

Dan Henriques reported on the areas he cleaned up on Main Street and outside the Library after the Saturday event.

Rob Simpson provided an update on the power plant issue. He asked that the Council request judicial review of the current agreement that was previously authorized by the City.

Doug Ligibel, a downtown resident, spoke on downtown crime and urged continued support from this community.

CONSENT CALENDAR

Consent Item #4 was removed for separate vote.

Prior to the vote on the Consent Calendar, Council Member Halliday commented on the resolutions that were approved related to the amendments to the memoranda of understanding for various employee groups and unions. She recognized and expressed her appreciation to them for foregoing their cost of living raises due to the City's budget crisis.

1. Approval of Minutes of the City Council Meeting of April 29, 2008

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried, to approve the minutes of the City Council Meeting of April 29, 2008.

2. Resignation of Lucia Ronquillo from the Human Services Commission

Staff report submitted by City Clerk Reyes, dated May 6, 2008, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 08-057, "Resolution Accepting Written Resignation of Lucia Ronquillo from the Human Services Commission"

3. Execution of FY 09 - 11 Cooperation Agreement between the City of Hayward and the County of Alameda to Participate in the Alameda County HOME Consortium

Staff report submitted by Redevelopment Director Bartlett, dated May 6, 2008, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following:



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Resolution 08-058, "Resolution Approving Continued Participation in the Alameda County Home Consortium and Authorizing City Manager to Execute the Home Consortium Cooperation Agreement with Alameda County"

4. Authorization for the City Manager to Execute a Professional Services Agreement for Final Design and Right-of-Way Acquisition Services for the Route 238 Corridor Improvement Project

Staff report submitted by Deputy Director of Public Works Fakhrai, dated May 6, 2008, was filed.

Council Member Henson asked questions on the services that will be provided by this contract. He asked whether staff had contacted the property owners, in particular the owners of Zorns and La Patisserie restaurants.

Public Works Director Bauman reported that staff invited all involved to a community meeting, but the attendance was low. He described the process thus far and the need to contact those who are in the direct right of way. The ACTA Board has approved the start of the acquisition of properties in the right of way. There will be a full take on several properties and there continues to be discussion with La Patisserie. He indicated that St. Regis will be impacted and staff reported that access concerns have been addressed. He indicated that his staff was able to negotiate to have a cost savings from what was previously estimated. In response to Council Member Ward's question, he clarified that environmental studies are being prepared to address the required mitigations. Public Works Director Bauman indicated that this consultant has completed the environmental study and the enforcement of the mitigations rests on staff.

Rob Simpson spoke against the corridor improvement project.

Public Works Director Bauman reported on the actions of ACTA in regards to mitigating the impacts to Hayward's auto dealers. Staff will review it again as requested by ACTA. Staff determined that it was not necessary to take the parking as previously considered. There was discussion on funding, which staff delineated and is working with ACTA and CMA to complete the funding for this project. It was noted that there will be some legislative action to finalize the funding.

Council Member Quirk noted that this is not a local Hayward project. This will serve the whole area and is a worthwhile project.

Council Member Henson stated that he voted against the project and expressed concerns on the economic impacts. He would not be supporting this motion.

It was moved by Council Member Quirk, seconded by Council Member Dowling,

and carried with the following roll call vote to adopt:

AYES: Council Members Rodriquez, Quirk,
Halliday, Dowling,
NOES: COUNCIL MEMBER Ward, Henson
MAYOR Sweeney
ABSENT: None
ABSTAINED: None

Resolution 08-064, "Resolution Authorizing the City Manager to Execute an Agreement with Mark Thomas & Company for Preparation of the Final Design and Right-Of-Way Acquisition Services for the Route 238 Corridor Improvement Project"

5. Adoption of Resolution to Revise Resolution with the Hayward Unrepresented Management

Staff report submitted by Director of Human Resources Brock-Cohn, dated May 6, 2008, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 08-059, "Resolution Amending Salary and Benefits Resolution for the Unrepresented Employees"

6. Adoption of Resolution to Revise the Memorandum of Understanding (MOU) with Hayward Police Officers' Association (HPOA)

Staff report submitted by Director of Human Resources Brock-Cohn, dated May 6, 2008, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 08-060, "Resolution Approving Amendment to the Memorandum of Understanding for the Hayward Police Officers' Association (HPOA)"

7. Adoption of Resolution to Revise the Memorandum of Understanding (MOU) with the Hayward Firefighters IAFF Local 1909

Staff report submitted by Director of Human Resources Brock-Cohn, dated May 6, 2008, was filed.



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It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 08-061, "Resolution Approving the Amendment of the Memorandum of Understanding for the Hayward Fire Fighters IAFF Local 1909"

8. Adoption of Resolution to Revise the Memorandum of Understanding (MOU) with Hayward Fire Chiefs' Association (HFCA)

Staff report submitted by Director of Human Resources Brock-Cohn, dated May 6, 2008, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 08-062, "Resolution Approving the Amendment of the Memorandum of Understanding for the Hayward Fire Chiefs' Association (HFCA)"

9. Adoption of Resolution to Revise the Memorandum of Understanding (MOU) with Hayward Police Management

Staff report submitted by Director of Human Resources Brock-Cohn, dated May 6, 2008, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 08-063, "Resolution Approving an Amendment to the Memorandum of Understanding for the Hayward Police Management"

HEARINGS

10. Introduction of an Ordinance Adding Article 11 to Chapter 4 of the Hayward Municipal Code, the Social Host Accountability Ordinance (*Report from Interim Police Chief Ace*)

Staff report submitted by Captain McAllister, dated May 6, 2008, was filed.

Interim Chief of Police Ace made the report, noting the purpose of this ordinance is to hold adults responsible for providing liquor to underage drinkers. There have been studies on this issue and it

continues to be a problem. He defined the social host as one who furnishes liquor to minors. He described the citation process and the provision for the City to recoup its costs when providing public safety. He made the recommendation and responded to questions.

Council Member Dowling thanked Chief Ace for bringing this forward. He also thanked staff, City Attorney Lawson and City Manager Jones. He noted that about 22 other jurisdictions have adopted similar ordinances including the City of San Leandro, Dublin, Vacaville, Union City, Berkeley and the unincorporated areas of Alameda County. He indicated that the purpose of this ordinance is to serve as a deterrent; he asked about the administrative hearing process.

City Attorney Lawson reported that this ordinance includes a mechanism to have a hearing officer and the result may be appealable to the courts. This Council will not be involved in the hearing process as provided in the proposed ordinance.

Council Member Henson attributed Council Member Dowling for bringing this forward and thanked staff for its work. This ordinance is badly needed. Since alcohol is not the only consumed product at some of these parties, he asked about other unlawful substances, as drugs that are not addressed in this draft, but he noted that is included in the ordinances of other cities. He also asked about the responsibility of the person conducting the event and asked about parental responsibility. He stressed the importance of community and public awareness efforts. He also recommended that materials be translated in other languages. He viewed the fines as punitive, but will not cover the public safety costs.

Interim Police Chief Ace described the staff plan to initially issue warnings.

Council Member Rodriguez stated that it is a sad commentary that this needs to be done. She asked what happens when the fines are not paid and it was noted that the courts would pursue this.

Council Member Halliday asked about Article 2, Section E, related to the responsibility of the person for the loud unruly gathering on their property. She indicated that this ordinance will hold parents or guardians responsible for their minor's violations even if they are absent from their property.

City Attorney Lawson advised that this ordinance will hold parents responsible even when the parents didn't approve the gathering. He noted that this does not preclude the police department from also citing the responsible adult for contributing towards the delinquency of a minor or also citing parents or adults for contributing offenses that are under the penal code. He emphasized that this is a civil remedy, not criminal.

Council Member Quirk asked if adding other substances to this ordinance would be beneficial. It was confirmed that this ordinance was developed to address alcohol-related offenses.

Interim Police Chief Ace reported that the enforcement of illegal substances is a different level of enforcement. In the case of marijuana, a small quantity of marijuana is an infraction. This ordinance is not designed to deal with alcohol related instances that occur with more frequency.



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Mayor Sweeney would support this ordinance and agreed that parents need to be responsible for the actions of their kids. He suggested the motion include the direction to staff to review this for dealing with problem houses or where public resources are utilized and to address the issue of recovering City costs.

Council Member Dowling emphasized that illegal drugs are illegal for anybody at any age. This ordinance will address alcohol drinking at home by youths and put the parents who leave their homes to their youth responsible for their actions.

Council Member Rodriguez confirmed that possession of hard substances is criminal and this is a civil enforcement. She was supportive of this ordinance, but cautioned against adding harder substances to this measure.

In light of current budget constraints, Council Member Ward asked Police Chief Ace if he had an estimate about the number of such cases in Hayward and whether there were efforts to recover costs from the parents. Police Chief Ace did not have those available, but noted that this ordinance would assist towards that effort.

Mayor Sweeney opened the public hearing at 9:09 p.m.

Linda Pratt, COMMPRE, spoke in support of this ordinance. She provided an example of a past Hayward incident where a seventeen year old was killed in an auto accident after obtaining the liquor from a friend's home. She quoted statistics supporting this ordinance. She urged strong publicity to notify the community. She asked two questions related to the proposed ordinance. She asked whether the ordinance addresses parties in other locations besides a residential home, such as motels, hotels and dance halls. She also inquired about the administrative penalties such as the classes and who would be responsible for paying for those required classes.

Doug Ligibel spoke in support of this ordinance against underage drinking. He also spoke on the teen driving that occurs after such parties that impacts police services.

Mayor Sweeney closed the public hearing at 9:15 p.m.

In response to Ms. Pratt's first question, City Attorney Lawson reported that this ordinance addresses any private property in the City and thus it extends to motels, hotels and dance halls as they are private properties. Ms. Pratt's second question, regarding what agencies will be involved in the training and who will pay for their cost was answered by City Manager Jones, who stated that the Police Department works with other social agencies, as well as has staff counselors who have been identified to provide such services. Training class expenses will be paid by the parents involved.

Council Member Dowling moved, seconded by Council Member Quirk to introduce the proposed ordinance. He thanked the Council and the Police Department staff for their efforts to bring this

forward. He agreed with Ms. Pratt of COMMPRE about the importance of public awareness, and in particular on informing parents.

Council Member Quirk appreciated Council Member Dowling for bringing this forward. He also emphasized the need for best efforts to make schools aware and educate students. He emphasized the need to inform parents. He asked that the maker of the motion add what Mayor Sweeney suggested, which is to determine how to address the issues of parents permitting their underage children to use illegal drugs and substances, such as fines for problem houses.

Council Member Dowling commented that the City Manager is working on neighborhood initiatives and indicated that illegal drugs are addressed through other laws. He was willing to support the addition of directing staff to review policies for complete cost recovery when dealing with drug or problem houses.

There was discussion on whether to include other substances and it was noted that there already is a police focus on drug houses. Council Member Henson noted that the National League of Cities model ordinance includes other controlled substances. He emphasized that where alcohol is served other illegal substances are most likely also available. He suggested that there be another review in the future. There was clarification that this is a civil remedy and that there are other laws that address such criminal activities as providing alcohol to minors.

Council Member Rodriguez stated that this is a good ordinance. She clarified that there will be other ordinances to address such issues as illegal drugs and substances. She emphasized that staff review other methods to address these issues.

Mayor Sweeney recommended that there be a separate direction to staff with other opportunities to deal with similar situations, such as drug houses, that include cost recovery and if there are consequences for inappropriate behavior in this community. He suggested that when the motion is made to introduce this ordinance, that the maker of the motion also includes direction to staff to update other City ordinances that allow for cost recovery as well.

It was moved by Council Member Dowling, seconded by Council Member Quirk, and unanimously carried to introduce the following ordinance and direct staff to seek other opportunities to deal with similar situations related to problem houses that include measures for cost recovery:

Introduction Ordinance 08-_, "Ordinance Adding Article 11 to Chapter 4 of the Hayward Municipal Code, the Social Host Accountability Ordinance"

11. Fiscal Year 2009 Community Development Block Grant Funding Allocations and Annual Action Plan (*Report from Community Economic Development Director Daluddung*)

Staff report submitted by Neighborhood and Economic Development Manager Korth, dated May 6, 2008, was filed.



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Mayor Sweeney reported that he would not be participating in the next two Council discussions and actions as he is employed by a non-profit agency, Spectrum Community Services, which is included in these reports for allocation.

Council Member Rodriguez reported that she serves as a non-paid board member of two of the applicants for funding. Her service on these boards is strictly on a volunteer basis, but her decision not to participate was ethical.

Mayor Pro Tempore Quirk called for a recess at 9:25 p.m. and reconvened at 9:29 p.m.

Community and Economic Development Director made the report and along with Neighborhood and Economic Development Manager Korth responded to Council questions.

Council Member Henson asked about the proposal from Habitat for Humanity and he was informed that the HOME funds could be utilized for this program. He asked staff to research additional funding sources for the Minor Home Repair program. He also expressed his strong support of the continuance of the day laborer and urged that emphasis needs to be made towards the employers to utilize the day labor center.

Council Member Dowling reported that he visited the Day Labor Center, met with Mr. Hernandez and appreciated the work of this program. He also urged the importance of employers using the Day Labor Center.

Mayor Pro Tempore Quirk opened the public hearing at 9:46 p.m.

Sara Lamin, Chair of the Citizens Advisory Commission, submitted a speaker card, but did not speak.

Gabriel Hernandez, representing the Day Labor Center, thanked the Council for the previous year's funding and for its continued support. He reported on his efforts for increased use of the center by employers as well as by those seeking work. He responded to Council questions related to those workers who do not desire to participate, noting that in one instance there is resistance due to cultural beliefs.

Betty DeForest, Director of the Eden Youth Center, thanked the City Council for taking the initiative to use General Funds to support this effort. She was grateful that CDBG funding will be available this funding cycle and indicated that with the City's funding, it was possible to provide service to approximately 400 workers. She noted that the program will be employer focused.

Rob Simpson spoke in favor of the day labor center. He suggested better signage at that site, the use of identity cards for the individuals and perhaps a type of uniformity such as shirts.

Mayor Pro Tempore Quirk closed the public hearing at 9:53 p.m.

DRAFT

Council Member Halliday moved, seconded by Council Member Henson, to adopt the resolution accepting the staff recommendation. She acknowledged the work of staff as well as the members of the Citizens Advisory Commission, who monitor and meet monthly to discuss the programs as well as review the applications.

Council Member Henson also thanked all the participants who worked to accomplish this task and stated that he looked forward to an increase in the amount from CDBG funding.

Mayor Pro Tempore Quirk thanked Sara Lamin, Chair of the Citizens Advisory Commission, for her attendance and the committee for its good work. He appreciated that the CAC recommendations were also the staff recommendations, which made it easier for the City Council.

It was moved by Council Member Halliday, seconded by Council Member Henson, and carried by the following roll call vote to adopt:

Resolution 08-065, "Resolution Approving the Annual Plan and Authorizing an Application for Federal Assistance Under the Community Development Block Grant Program for Fiscal Year 2009"

AYES: Council Members Halliday, Ward, Dowling, Henson
Mayor Pro Tempore Quirk
NOES: None
ABSENT: Council Member Rodriquez
Mayor Sweeney
ABSTAINED: None

12. Fiscal Year 2009 Social Services Funding (*Report from Community Economic Development Director Daluddung*)

Staff report submitted by Neighborhood and Economic Development Manager Korth, dated May 6, 2008, was filed.

Community and Economic Development (CED) Director Daluddung provided the staff report, noting that there is \$450,000 from the City's General Fund, which truly represents Hayward as the "Heart of the Bay." She reported that there is a slight difference in the staff recommendation and the recommendation from the Human Services Commission. The primary difference is in the funding of the 211 Program and requested Council direction. She commended Neighborhood and Economic Development (NED) Manager Korth, for his efforts in the All Saints Church Can Project, which is the downtown indoor feeding program that offers meals to the homeless rather than in public parks or outdoors for a cleaner and safer food distribution.

Council Member Halliday commented that all agree that the 211 Project funding must occur and expressed its importance for those services to everyone. She commented on one of the programs,



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Hope for the Heart, a program that provides food to families in need. She hoped that funding could be provided to assist in electrical energy costs for refrigerated storage.

CED Director Daluddung commented that there was a recommendation at the Council's work session to seek and provide solar panel funding, but staff is working on that as a future consideration.

Council Member Henson noted that the request for funding of meals programs attests to the current economic situation. He commented that this need may increase as times become more difficult for families. He recently heard from the Food Bank staff that the need may increase by 30 percent. He hoped that the City could increase its funding because of this significant need. He stressed the importance of coordination of all of these programs to help those in need. In regards to the funding of the 211 Project, he would be supporting the staff recommendation. He agreed that there are more notable social needs to fund, but emphasized that the key to the 211 Project is the compendium of these programs. He commented that the 211 Project was a most useful tool for the public safety side during the fires last summer. He discussed the necessity of juggling funding and would be supporting the staff recommendation.

In regards to the 211 Project, Council Member Ward reported that he did not receive a single call to support it except from the director. Instead, the type of calls and contacts he received were from people in need of housing, food, childcare and other social issues. It would seem most unfortunate for this Council to reduce the level of services to five social programs where there is a great need for the sake of one program. However, he challenged his colleagues, who are convinced that it is a worthy program, to look for that funding from the general fund and not from the social programs funding.

Mayor Pro Tempore Quirk opened the public hearing at 10:10 p.m.

Jackie Ruggles, representing Eden I & R, spoke on behalf of Ms. Bernstein. She thanked Council for its continued support. She affirmed that Hayward is the third largest city that receives calls and received 4,000 calls last year. She responded to a question from Council Member Ward, noting that prior to the 211 Project, the CHAIN program provided a similar service with limited hours, but the 211 Project must operate twenty-four hours, seven days a week.

Elisa Marquez, Chair of the Human Services Commission (HSC), thanked NED Manager Korth and Social Services Planning Manager Culver for their professional assistance. She introduced several commissioners who were present and acknowledged the entire HSC for their work even with two vacancies the entire year. She explained that the difference in the recommendation is about \$27,000 and the recommendation is not in line with staff. The main reason being that the 211 Project request states that it will provide service to 10,000 residents, but there is no documentation for this figure and whether those callers were low income. She also commented that funding the 211 Project would take about 11% of the funding program, which did not seem fair and equitable to the remaining social services. She indicated that perhaps funding for the 211 Project should be

allocated from public safety. She commented on the success of several of the programs and felt that the HSC was very thorough in this process and HSC members have worked diligently on their recommendation and urged its support.

Mayor Pro Tempore Quirk thanked the Human Services Commission and Chair Elisa Marquez for their efforts.

Pamela Russo, representing St. Rose Hospital, spoke on the success of the program "FACES" that is fully funded and has received funding from the California Endowment. She informed the Council on the program that involved 16 juniors under a mentoring program, noting that their grades improved, and were able to connect with health care professionals. She thanked Council for the seed money and acknowledged the work of the HSC members.

Mayor Pro Tempore Quirk closed the public hearing at 10:20 p.m.

Council Member Dowling moved to fund the 211 Project with \$50,000. This was seconded by Mayor Pro Tempore Quirk.

Mayor Pro Tempore Quirk stated that the question is the funding of the 211 Project. He preferred to separate the 211 Project from this funding.

Council Member Henson asked for clarification from staff.

City Manager Jones suggested that the Council take action on the balance on the recommendations, which would be in the amount of \$427,750 that would fund the HSC recommendation. He then stated that he could discuss with Eden I & R the impacts of the lower funding. Then at the budget hearing, make a recommendation to fund the \$27,750 or provide the impacts of the reduced funding. He asked that the Council not take action to obligate the general fund at this time until staff can evaluate the impacts.

Council Member Dowling noted the importance of funding the 211 Project at \$50,000. He indicated that the 211 Program administrators have requested every jurisdiction involved for funding. If the City does not fund this program, the project could not go forward.

At this time Council Member Dowling withdrew his motion.

Council Member Halliday moved to accept the HSC recommendation and asked that the motion include the provision as previously stated by City Manager Jones that would lower the contribution toward the 211 Project and staff would return to the Council to report on the impacts of this direction. She commended Chair Marquez on her excellent report that was so persuasive. She stated that she fully supports the 211 Project, but felt that there might be an additional \$27,750 in the general fund. Lastly, she noted that the project benefits other services and wondered if the City's 911 calls have been reduced since the existence of the 211 Project.

Council Member Ward seconded her motion. He would have preferred that none of the 211 funding come out of this funding, but felt that this is a reasonable compromise and commended the HSC recommendation. He did not disagree that the 211 Project is important, but felt that



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the programs providing basic needs are most important and critical for those in need.

Council Member Henson appreciated the motion on the table. He commented on the recent presentation by Barbara Bernstein of the 211 Project that the funding in future years may not be necessary. He stressed the importance of the continuance of this program and funding this program now is paramount. He was not sure that he agreed with the staff approach.

City Manager Jones reiterated the Council's direction via this motion, which is to return to Council with whether the program needs to be fully funded to continue. He has heard that other cities in Alameda County are considering not funding this due to financial impacts. If the information garnered is that the full \$50,000 is required, than staff will explore other potential ways to fund it and present it to Council.

Council Member Dowling appreciated the work of the Human Services Commission and all of the programs that requested funding. However, he stressed the importance of funding the 211 Project, which is an important link to all the organizations that provide social services. He recalled the continued funding of CHAIN services and commented that Ms. Bernstein is researching future potential funding, perhaps from the federal agencies after seeking funding from fourteen cities. He commented that this has been a struggle in previous years in spite of the Council's priority for this program. He stressed the importance of funding this project as Hayward is its home city. He would rather see a commitment from staff about the 211 Project. Council Member Dowling would not be supporting the motion.

Council Member Quirk agreed with Council Member Dowling and he would not be supporting the program. Hayward needs to stand on this and find a way to fund this. The 211 Project vote is key. He did not agree with the proposal by City Manager Jones, as this is not something for which there is flexibility. Hayward is the home city for this program and if Hayward doesn't fund this, the program may be eliminated.

Council Member Ward stated that what surprises him is in spite of all the recommendations, the Council is focusing on one program. He explained the Council appropriations and urged the Council to direct staff to find the dollars. He would be supporting the motion.

Council Member Halliday noted that there are not enough votes to pass this motion. She felt that it would be easier to come back to vote on the 211 Program and the entire Council will be in attendance as there is no conflict for Mayor Sweeny nor Council Member Rodriguez and they would be able to vote on this program. She withdrew her prior motion and Council Member Ward withdrew his second.

After discussion, Council Member Halliday then moved that \$477,750 be the funding to be allocated by accepting the HSC recommendation by adding \$27,750 to complete funding for the 211 Project. Council Member Dowling seconded her motion.

Council Member Henson agreed with this motion. He noted that this was the motion that Council Member Ward previously recommended. He stated that he was wavering on this decision, but agreed with City Manager Jones to verify that all the funding is currently in place. This is a cleaner process of what was previously recommended.

Council Member Ward was willing to support this motion. He commented that if the other cities don't agree with this, that this funding returns to the City for the Human Services Commission to re-allocate and he recommended that this be accomplished within a certain time limit. He asked the maker of the motion to add this. There was further discussion on adding this to the motion and it was agreed to include in the motion that the Council be kept informed as to the status of the funding for the 211 Project.

Mayor Pro Tempore Quirk suggested that in the second year of this two year budget staff place the 211 Project so that it is considered separately. Council Member Halliday confirmed that this funding is for one year only. Council Member Ward confirmed the new social services budget as \$ 477,750. City Manager Jones reported that the current cap is \$450,000 and this recommendation will exceed that; thus, it will be increased for next year, but the current underlying policy is \$450,000. Mayor Pro Tempore Quirk commented on the compromise with only five Council Members. He cautioned against this practice in the future and review staff recommendations.

It was moved by Council Member Halliday, seconded by Council Member Dowling, and carried by the following roll call vote to approve this resolution and direct staff to update the Council as to the status of the 211 Project funding:

Resolution 08-066, "Resolution Approving Social Services Funding Recommendations for 26 of the 30 Social Services Funding Proposals for Fiscal Year 2009"

AYES: Council Members Halliday, Ward, Dowling, Henson
Mayor Pro Tempore Quirk

NOES: None

ABSENT: Council Member Rodriguez
Mayor Sweeney

ABSTAINED: None

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 10:48 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward