



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 21, 2009, 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 Indy Nelson, Eagle Scout.

ROLL CALL

Present: COUNCIL MEMBERS Zermefio, Halliday, May, Dowling, Henson
MAYOR Sweeney
Absent: COUNCIL MEMBER Quirk

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported that Council met with Legal Counsel pursuant to Government Code Section 54956.9 (c). There was no reportable action.

PROCLAMATION Jazz Appreciation Month

Mayor Sweeney presented a proclamation, recognizing April as Jazz Appreciation Month, to Mt. Eden High School Jazz Band, under the direction of Kevin Cato, Instrumental Music Director. Mayor Sweeney introduced the members of the band and they performed "Four" by Miles Davis. Mr. Cato thanked Mayor Sweeney and Council for such an honor and announced an event on May 8, 2009, where Assembly Member Mary Hayashi and Senator Ellen Corbett will be presenting the Mt. Eden High School Jazz Band with two State resolutions. Mr. Cato invited the audience to attend the fund raising performance and dinner.

PRESENTATIONS

Certificate of Commendation presented to
Mike Fuentes, Daniel Galindo, and David Marhx

Mayor Sweeney presented the Certificate of Commendation for Heroism to Mike Fuentes, Daniel Galindo, and David Marhx. On April 7, 2009, a tragedy was avoided because of the heroic action and response to danger by Daniel Galindo. Mr. Galindo went to a carwash on Missions Boulevard to clean his car and rescued a man on fire from a building next to the carwash. Mr. Galindo called 911 and with the help of Good Samaritans, Mike Fuentes and David Marhx, they banged on doors of nearby buildings, evacuating a mother and her two children. A sincere appreciation on behalf of the City of Hayward was extended to the good samaritans. Mr. Daniel Galindo thanked Mayor and Council Members and commended the work of the Fire Department.

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Business Recognition Award

Ross Dress for Less was honored with the Business Recognition Award for April 2009. Ross Dress for Less opened their Southland Mall location in 1997. The Hayward Ross has 55 employees and approximately 65% of them are Hayward residents. The City of Hayward presented the Ross Dress for Less at Southland with the Business Recognition Award for April 2009 for the contributions they have made by: being a positive retail presence for Hayward residents; being an industry leader; their generous contributions to the local community; and contributing to the overall economic well being of the City. Mr. Cuba Warren, Store Manager for Ross Dress for Less, accepted the award on behalf of Ross at Southland and thanked Council for such an honor.

National Volunteer Week – April 19-25

Mayor Sweeney recognized National Volunteer Week and thanked more than 550 adults and youth who have volunteered for the City of Hayward throughout the year. The Volunteers included: the Hayward Public Library, the Friends of the Library, Hayward Police Department, the Radio Amateur Civil Emergency Services (RACES), Animal Services, the Information Desk, members of the Hayward Neighborhood Alert, Public Works volunteers, and the Volunteer Services volunteers. Mayor Sweeney extended an appreciation to all volunteers and introduced Donna Fitzwater, Director of Volunteer Services for the City of Hayward, the Hayward Area Recreation and Park District, and the Hayward Unified School District. Ms. Fitzwater announced the “Celebrate People in Action” and commended those that supervise. Those attending were introduced by groups and presented with Certificates of Appreciation. Mayor Sweeney thanked them all.

PUBLIC COMMENTS

Ms. Gail Lundholm, Hayward Arts Council President, announced the fund raising “Art of History Opening Gala” that the Hayward Arts Council, in partnership with the Hayward Area Historical Society and Hayward Area Recreation & Park District will be presenting on Saturday, May 2, 2009, for the restoration at the Meek Mansion. She also announced a “Family Day in the Park” at the Meek Park on Sunday, May 3, 2009.

Mr. Dan Henriques, currently homeless, spoke about a City code related to public nuisance. He submitted a document for the record.

Mr. Doug Ligibel, Mesa Court resident and community activist, recognized former sworn officer James Joseph Arnold and spoke in favor of Hayward Ballot Measure A. He provided the ratio of residents to sworn officers and expressed concern that if the measure fails the ratio of residents to sworn officers would significantly increase.

Ms. Wynn Grcich, Union City resident, reiterated her concerns related to fluoride in water. Ms. Grcich spoke about the Blaylock Wellness Report, “Why Fluoride is Toxic.” She also referred to “Exposed” by Mark Schapiro.

Mr. Bart Schenone, representing the Hayward Lions Club, extended an invitation to submit candidates for the 76th Hayward Lions Club Citizen of the Year Award for the year 2008. He



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noted that candidates need to have lived, worked, or participated in Hayward for at least five years; contributed and served the community; and inspired others to do civic work. He added that the nomination deadline is May 22, 2009.

CONSENT CALENDAR

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on April 7, 2009

It was moved by Council/RA Member Dowling, seconded by Council/RA Member Henson, and carried with Council/RA Member Quirk absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of April 7, 2009.

2. Transportation Development Act (TDA) Article 3 Funds FY 2010: Wheelchair Ramps -- Authorization to File Application

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 21, 2009, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried with Council Member Quirk absent, to adopt the following:

Resolution 09-041, "Resolution Request to the Metropolitan Transportation Commission for the Allocation of FY 2010 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding for Installation of Wheelchair Ramps"

3. Pavement Reconstruction -- Eden Landing Road, Lincoln Avenue, and San Luis Obispo Avenue -- Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 21, 2009, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried with Council Member Quirk absent, to adopt the following:

Resolution 09-042, "Resolution Approving Plans and Specifications for the Eden Landing Road, Lincoln Avenue, San Luis Obispo Avenue, and Westview Way Pavement Reconstruction Project, Project Nos. 5169 and 5144, and Call for Bids"

4. A. Amending the Memoranda of Understanding (MOU's) for Hayward Firefighters Local 1909, Hayward Fire Chiefs' Association, Hayward Police Officers' Association, and Police Management in Order to Implement Cost Saving Measures

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Staff report submitted by Acting Director of Human Resources Auker, dated April 21, 2009, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried with Council Member Quirk absent, to adopt the following:

Resolution 09-043, "Resolution Approving the Amendment of the Memorandum of Understanding for the Hayward Fire Fighters IAFF Local 1909"

Resolution 09-044, "Resolution Approving the Amendment of the Memorandum of Understanding for the Hayward Fire Chiefs' Association (HFCA)"

Resolution 09-045, "Resolution Approving Amendment to the Memorandum of Understanding for the Hayward Police Officers' Association (HPOA)"

Resolution 09-046, "Resolution Approving an Amendment to the Memorandum of Understanding for the Hayward Police Management"

B. Resolution to Immediately Implement a Five Percent (5%) Reduction in Compensation for the Mayor and City Council through June 30, 2010

Staff report submitted by Acting Director of Human Resources Auker, dated April 21, 2009, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried with Council Member Quirk absent, to adopt the following:

Resolution 09-047, "Resolution Amending Salaries and Benefits for the Mayor and City Council through June 30, 2010"

5. Resignations of William E. Mullins, III and Landis L. Graden from the Economic Development Committee

Staff report submitted by City Clerk Lens, dated April 21, 2009, was filed.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried with Council Member Quirk absent, to adopt the following:

Resolution 09-048, "Resolution Accepting the Written Resignation of William E. Mullins, III and Landis L. Graden from the Economic Development Committee"



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Mayor Sweeney suggested that Legislative Business Item No. 8 on the agenda be heard first, followed by Hearing Items 7 and 6. There was no opposition to the suggestion.

LEGISLATIVE BUSINESS

8. Resolution of Intention to Create Proposed Community Facilities District Intended to Finance Police Protection Services in the Cannery Place Area, and Adoption of Local Goals and Policies for the Community Facilities Districts

Staff report submitted by Director of Finance Auker, dated April 21, 2009, was filed.

Director of Finance Auker gave a synopsis of the report and introduced the finance team.

Mayor Sweeney noted that the proposed approach would allow the City a mechanism to ensure that services can start keeping up with development in Redevelopment areas. City Manager Jones concurred with Mayor Sweeney's statement and added that this would apply to non-redevelopment projects in the future as well.

In response to Council Member Dowling's inquiry related to the patrol service that the citizens will receive once the Community Facilities District (CFD) is fully funded, City Manager Jones noted the collection requires that the benefit go back to the area it has been collected in and he added that the likely model will be that of community policing once additional staffing is obtained. Mr. Dowling suggested that the C and B Corridor, between the BART Station and the Cannery Place Area, be looked at for extended patrolling.

Council Member Halliday expressed concern that the creation of a CFD would create two classes of Hayward residents, those that live in CFD and those that do not. City Manager Jones noted that this could be a perceived impact in some cities, but he stated that in Hayward the development patterns that will occur are going to be within the City boundaries. In response to Ms. Halliday's request for clarification regarding the unanimous vote at the time of annexation and the 2/3 vote to set the tax rate, Mr. Chris Lynch from Jones Hall noted that the 2/3 vote is for properties coming into the District now and an unanimous vote is for those coming in the future.

Council Member Henson inquired if a resident could vote to rescind the taxes when he is not receiving expected CFD services. Mr. Chris Lynch noted there is a California Constitution Provision introduced by Proposition 218 that allows voters to undertake a vote to rescind a levy of special taxes subject to certain limitations. Mr. Henson noted that this must be structured so that people feel that the level of services is more than adequate. In reference to the future annexation of the Libitzky property, west of Filbert Street, Mr. Henson inquired for clarification about the below market rate development. Director of Finance Auker noted the rate established for the current

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boundaries is for market rate units and that the future annexation areas are not included due to the uncertainty as how they will be developed.

Council Member Zermefio asked why the future annexation areas could not be included in the CFD boundary. Ms. Aufer noted that it was a benefit to the City to wait until it was known what would be developed there.

There being no public comments, Mayor Sweeney opened and closed the public hearing at 9:22 p.m.

Council Member Henson offered a motion per staff recommendation.

Council Member Zermefio seconded the motion.

It was moved by Council Member Henson, seconded by Council Member Zermefio, and carried with Council Member Quick absent, to adopt the following:

Resolution 09-049, "Resolution Approving Amended and Restated Local Goals and Policies for Community Facilities Districts"

Resolution 09-050, "Resolution of Intention to Establish Community Facilities District"

Mayor Sweeney noted that he works for Spectrum Community Center and because it applied for Community Development Block Grant (CDBG) funding he would not participate in the next two public hearings due to conflict of interest and therefore excused himself from the hearings. Mayor Pro Tempore Dowling preceded the meeting.

PUBLIC HEARINGS

7. Adoption of Revised Citizen Participation Plan and Authorization to Submit an Amendment to the City's HUD-Approved FY 08-09 Action Plan, in Order to Receive Federal Emergency Shelter Grant/Homelessness Prevention Funds as Authorized by the American Recovery and Reinvestment Act of 2009

Staff report submitted by Social Services Planning Manager Culver, dated April 21, 2009, was filed.

Assistant City Manager David introduced the item and presented Social Services Planning Manager Culver, who provided a synopsis of the report.

In response to Council Member Halliday's inquiry regarding the Citizen Participation Plan Section entitled "Ownership Housing" and its lack of representation of rentals, affordable, and special needs housing, Social Services Planning Manager Culver noted that it will be revised to read "Ownership and Affordable Housing."



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Council Member Henson spoke to the topic of potential blight in neighborhoods as a result of foreclosed properties and inquired about the possibility of the City acquiring and rehabilitating some of these properties for under-served families. Assistant City Manager David noted the need for further study and clarification on how to link the monies in a strategic program and noted that an ordinance regarding abandoned and foreclosed properties would be addressed at the May 12th City Council meeting. Mr. Henson inquired if there was a report available of statistics showing population changes from full-time to part-time employment and was concerned that this segment of the population did not seem to be addressed. Ms. Culver noted that CDBG funds were used to address the issues raised. Council Member Henson inquired about the Abode Services and the Rapid Re-housing and 2-1-1 resources. Social Services Planning Manager Culver noted that the Homeless Prevention Funds intend to address who is at risk for homelessness, underemployment, unemployment, and the housing crisis. Ms. Culver directed him to pages 2, 3 and 4 of the Homeless Prevention Strategy for the breakdown of the distribution of the funds.

In response to Mayor Pro Tempore Dowling's question regarding application for HUD monies, Social Services Planning Manager Culver explained the timeline involved and noted that if the CPP had been worded to address all the monies from HUD, there would not have been a need to update it. The revised document needs to be expanded, it is still HUD monies, still prioritizes Citizen Participation Plan (CPP), but in the future should additional monies from HUD become available it will no longer be necessary to update the document.

Mayor Pro Tempore Dowling commended those agencies that have already been certified in terms of having the financial capacity and know-how to deal with the Federal Standards.

Council Member Zermefio asked Social Services Planning Manager Culver to thank the individuals whose contributions helped with the selection and use of the ESG Homeless Prevention Funds.

Council Member May referred to page 15 of the CPP, which lists the Alameda County Housing Authority as one of the resources, and as a Commissioner for the Housing Authority, she expressed that it is possible for people to come in from other areas to receive assistance. Ms. May noted that a lot of people in Hayward need assistance or will need assistance in the near future. Ms. May would like to see clearer language that would allow the City to give priority to City of Hayward residents and asked what mechanisms are currently in place. Social Services Planning Manager Culver noted that on the CDBG Funding Application instructions, all applicants are advised that 100% of CDBG funds that they may receive through the City of Hayward's program must be used to benefit low income City of Hayward residents. In response to Ms. May's request, Ms. Culver noted that the clearer language will be included in the Citizen's Participation Plan.

In response to Council Member May's request for clarification of the last bullet point on page 13 of the report concerning "Assurance that the displaced cannot be required to move permanently unless at least one comparable replacement dwelling has been made available," Social Services Planning Manager Culver stated this was commonly referred to as the Barney Frank Amendment, a requirement to take a unit of affordable housing off the market when using federal funds.

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Council Member May noted a comment from Shelia Burks about how the City should coordinate with the Housing Authority and Ms. May encouraged attendance at the Citizen's Advisory Commission.

Mayor Pro Tempore Dowling inquired about Eden I&R's Roving Housing Resource program, and staff noted that the New Homeless Funds could be used for that purpose. Social Services Planning Manager Culver noted that there were a few agencies applying for CDBG program funds that staff recommended receive zero funds. For those agencies, staff has recommended they receive technical assistance and help from staff to be eligible under the ESG/Homeless Prevention program. Mayor Pro Tempore Dowling spoke about programs under Proposition 63 for the forgotten homeless and encouraged staff to do something similar with the funds.

Council Member Halliday noted that since these funds are being made available on a short notice there should be more assurances that the City is working with people who have a proven track record. Ms. Halliday noted there should be an obligation on the part of the people receiving the funds to give something back and those are the kinds of programs that the City should be looking for.

Council Member May emphasized serving City of Hayward residents first should take priority. She noted that people are moving into the City of Hayward to get assistance because they know the City has a good program, and therefore she encouraged setting standards, such as the length of time a person has lived in Hayward. Social Services Manager Culver assured Ms. May that the definitions would be explicit.

There being no public speakers, Mayor Pro Tempore Dowling opened and closed the public hearing at 9:52 p.m.

Council Member Zermefio moved the item per staff recommendation.

Council Member Halliday seconded the motion.

It was moved by Council Member Zermefio, seconded by Council Member Halliday, and carried with Mayor Sweeney and Council Member Quirk absent, to adopt the following:

AYES: Council Members Zermefio, Halliday, May, Henson
MAYOR Pro Tempore Dowling
NOES: None
ABSENT: Council Member Quirk
MAYOR Sweeney
ABSTAINED: None

Resolution 09-051, "Resolution Approving the Revised Citizen Participation Plan to include Public Participation Procedures for Utilizing Funds Administered by the Federal Housing and Urban Development Department (HUD), Including, But Not Limited To, Community Development Block Grant, Home Investment



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Partnerships Program, Emergency Shelter Grant and Others”

Resolution 09-052, “Resolution Approving the Utilization of Federal Emergency Shelter Grant (ESG) Homelessness Prevention Funds as Allocated to the City of Hayward by the American Recovery and Reinvestment Act of 2009”

6. FY 2010 Community Development Block Grant (CDBG) Allocations and American Recovery and Reinvestment Act of 2009 (ARRA) “CDBG-R” Allocations

Staff report submitted by Social Services Planning Manager Culver, dated April 21, 2009, was filed.

Assistant City Manager David introduced the report and presented Social Services Planning Manager Culver, who provided a synopsis of the report. Ms. Culver made note that there were members of the Citizens Advisory Commission (CAC) in attendance.

Mayor Pro Tempore Dowling thanked the Citizens Advisory Commission members in attendance and acknowledged the hard work done on these recommendations. Mr. Dowling inquired if Social Services Planning Manager Culver could comment on the Pioneer article regarding the Hayward Community Gardens. Ms. Culver spoke regarding the application for funding for the Hayward Community Gardens. She stated that for FY 09-10, the Hayward Community Gardens applied for funding on their own without a fiscal agent and there was concern whether or not they could meet the contracting standards, and therefore staff recommended zero funding. She added that they were funded two years ago through Social Services. Mr. Dowling expressed concern about whether the City could continue to work with the Hayward Community Gardens.

Council Member Zermefio inquired as to whether the Hayward Community Gardens could receive any monies under the CDBG funds. Social Services Planning Manager Culver noted that the Hayward Community Gardens did not submit an application under Public Services, but submitted an application for facility related improvements. Ms. Culver spoke to the concern that the Gardens sits on PG&E property and whether it is appropriate to use the City’s CDBG funds to improve PG&E property.

Assistant City Manager David noted that both the CAC and staff worked hard to make the best possible recommendations.

Council Member Halliday inquired about the ECHO Foreclosure Housing recommendation and thought these funds would come from the ESG/Homeless Prevention Funds. Social Services Planning Manager Culver explained the changes to guidelines made by HUD on the Special ARRA Funds, stating that Homeless Prevention Funds could not be used to assist homeowners as there is funding elsewhere in the ARRA.

Council Member Halliday expressed concern about the staff sacrificing the long-term program Eden I&R Roving Case Manager and the possible loss of the program. Ms. Culver addressed this concern by noting that ESG funds were allocated to the City through an entitlement formula and the City will submit an application.

Council Member Halliday inquired about the City of Hayward Mural Program and the disparity between CAC and Staff recommendations. Social Services Planning Manager Culver noted that the program has generated a lot of interest and enthusiasm among the community and youth.

Assistant City Manager David stated that there is a lot of interest involving the youth and a great opportunity presented itself to combine the Mural Program with anti-graffiti and anti-blight, and community pride. She added that there was a huge request for murals from businesses and other areas that were unexpected. Council Member Halliday asked if any other City funds were to be put into the Mural Program. Ms. David stated that there were some general fund monies set aside for community projects.

Council Member Henson reiterated how valuable the Hayward Community Garden Program is and favored working with the program. Mr. Henson commented on the economy and the importance of programs to help with housing and shelter programs. Mr. Henson favored the higher amount for ECHO's Foreclosure Counseling. Mr. Henson expressed concern with the cut in funding to the Day Labor Center as the need is greater this year. Mr. Henson concurred with Assistant City Manager David regarding the Mural Program and incorporating it with the anti-graffiti program.

Council Member May reiterated concerns that Hayward residents be served first. There was discussion between Council Member May and Social Services Planning Manager Culver regarding Ms. May's concern that the employees of the organizations receiving monies should be City of Hayward residents. Ms. Culver replied that tracking is done on the client side but not on the employee side. Ms. May would like the City to start tracking this. Ms. May expressed concern that the groups receiving City monies should be subject to being audited and open to inspection so the City can monitor them to make sure the monies are being spent wisely. Ms. May stated there should be accountability from the organizations receiving these monies. Ms. Culver responded in the affirmative that there is on-site monitoring.

In response to Ms. May's inquiry regarding audits done on the organizations receiving monies, Assistant City Manager David confirmed that the staff is working diligently to set in place a programmatic audit to determine that when the City makes payments to these agencies that there are verifiable outcomes based on the contract. Ms. David stated this is a priority the Social Services Department wants to set in place this year.

Council Member May expressed strong concern in regards to the monitoring of the monies. Ms. May hoped that the members of the CAC were given adequate information to arrive at their decisions and welcomed feedback from the CAC.

Mayor Pro Tempore Dowling addressed Council Member May's concern and explained the process outlined in the report. Social Services Planning Manager Culver explained the checks and balances involved in the CDBG Program and that it is a reimbursement-only program and the City does not



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advance any funds. Council Member May wanted reassurances that the people benefitting are City of Hayward residents.

In response to Mayor Pro Tempore Dowling's inquiry of the length of payments left on the Jimenez program, Social Services Planning Manager Culver replied six more years.

Mayor Pro Tempore Dowling inquired about an update on the Bay Area Youth Centers. Social Services Planning Manager Culver stated the youth receive support services on site as they go from supportive to independent living. The program is working and meeting all of its objectives, but Ms. Culver stated that it is taking approximately two years for the youths to be able to take full responsibility. Mayor Pro Tempore Dowling expressed his concern that this population is not being served. Mr. Dowling hoped that staff continues to work with South Gate and Treeview facilities.

Mayor Pro Tempore Dowling opened the public hearing at 10:32 p.m.

Ms. Sara Lamnin, Vice Chair of the Citizens Advisory Commission explained how they recommended the funding. The CAC took into consideration what organizations were shovel ready, while some programs were not. The CAC took into consideration every dollar spent that would benefit the residents of Hayward.

Mr. Gabriel Hernandez, from the Garden at the Eden Youth Center, explained the \$100,000 goes to direct services and less than that would have an impact on staff. Mr. Hernandez outlined the use of the monies received and presented a spreadsheet report. Mr. Hernandez stated that the City requires his agency to be accountable and that about 93% of the people served by his agency are City of Hayward residents.

Council Member Henson asked Mr. Hernandez if the need for services had increased. Mr. Hernandez responded in the affirmative. He stated that his group has seen a decrease in construction jobs since June of 2008. He went on to describe what his agency does.

In response to Council Member Halliday, Mr. Hernandez described the outreach to the employer community and the 160 employers involved in the Center. He stated that there is an advisory committee that integrates people into the process. He added that the center tracks the residency of the employers.

Council Member May noted the many complaints she has received regarding "men standing on the street corners" and inquired about efforts on the Center's part to make sure this will not continue to be an issue. Mr. Hernandez explained that the Center's goal is to organize the workers to participate in the neighborhood. Mr. Hernandez explained that the Center is a give-and-take participatory service and that they have started working with the Police Department on community policing.

Council Member Zermefio noted that the business community on Tennyson Road is extremely

happy that the workers are there. He acknowledged that the situation is a double-edged sword.

Ms. Dianne McDermott, Chair of CAC, spoke in regards to the CAC's recommendations. In response to Council Member May's comments, Ms. McDermott noted that during the application process the CAC asked the agencies how many City of Hayward residents they served, if they served other residents from surrounding areas, and if the agency applied for monies from those areas also. Ms. McDermott explained there was a lot of due diligence done and that the CAC looked at the City Council's priorities when they made their recommendations.

Ms. Margie Rocha, Executive Director for ECHO Housing, addressed Council Member Henson's question regarding how the number of counselors available for foreclosed homes cases, indicating that there is one counselor in the Livermore office and there are two trained and qualified counselor in the Hayward office, but they are not doing that work. Ms. Rocha went on to state she has to turn away three to five Hayward homeowners a week who are in foreclosure or pre-foreclosure. Council Member Henson welcomed Ms. Rocha's comments and noted that there is a need there and hoped that there will be funding. Ms. Rocha concurred with Mr. Henson about notifying the public about scams.

Council Member Halliday asked Ms. Rocha what she would do with the difference in the funding. Ms. Rocha stated they had budgeted for a half-time counselor, but if the funds were reduced the position would be reduced to a quarter-time counselor.

Council Member Halliday inquired about the Eden I & R Roving Case Manager program being able to obtain funds from other sources. Pamela Glassoff of Eden I&R confirmed that the program will not close if funds from the City of Hayward are not received. Ms. Glassoff stated that the program will adapt to changing scenarios, but she did not have specific plans.

Mayor Pro Tempore Dowling closed the public hearing at 10:56 p.m.

Council Member Zermefio made a motion to approve the CAC recommendation on items 32 (Hayward Day Laborer Center -\$100,000) and 33 (COH: Mural Program-\$65,000); to approve the staff recommendation on items 5 (HARD-Weekes Park-\$0), 13 (Spectrum- Kitchen Project-\$50,000), 19 (ECHO: Foreclosure Counseling-\$51,130); and add \$5,000 to the CAC recommendation on item 33 to expand the Mural Program to \$70,000.

Commissioner Henson seconded the motion.

Council Member Zermefio thanked everyone for their hard work.

Council Member Henson echoed Council Member Zermefio's comments. Mr. Henson spoke to the importance of Item 31 (COH: Small Business Revolving Loan Program) and how essential the program is and asked City Manager Jones if the City could go after the \$50 billion for small business. City Manager Jones stated that the City is still waiting for the rules for the stimulus money, but it probably will go to the State to distribute.

Council Member May stated she was perfectly comfortable to go with staff recommendations on all programs and noted that the two programs on items 32 and 33 can collaborate together to work on



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the Murals. Ms. May noted that she did not anticipate that Council would change the funding allocations presented in the report.

Council Member Halliday felt that the Council should follow the Commission's recommendations, except on ECHO and Eden I&R and in those two cases go with staff recommendations. Ms. Halliday supported the motion, but was disappointed that the Council did not take the advice of the Commission since they had worked hard and long in order to get the report done. Ms. Halliday recognized the Day Labor Center and the work that is being done there and agreed with Council Member Zermefio's comments. Council Member Halliday commented on how honored she has been to be the liaison to the Commission. Ms. Halliday concluded that she would rather have voted for a motion that honored and respected the advice received from the Commission, but realized that the differences were not that great, and therefore supported the motion.

Mayor Pro Tempore Dowling noted the commissioners and staff know that Council respects all the work and recommendations provided, and that Council had a "King Solomon's decision" to make.

Council Member May requested that in the future she wanted to see solid information in the report to Council as to the supporting reasons for funding recommendations and where the money is going. Ms. May supported the motion, but she noted that for future reference she will not be placated so easily.

It was moved by Council Member Zermefio, seconded by Council Member Henson, and carried with Mayor Sweeney and Council Member Quirk absent, to adopt the following:

- AYES: Council Members Zermefio, Halliday, May, Henson
MAYOR Pro Tempore Dowling
- NOES: None
- ABSENT: Council Member Quirk
MAYOR Sweeney
- ABSTAINED: None

Resolution 09-053, "Resolution Approving the Annual Plan and Authorizing an Application for Federal Assistance under the Community Development Block Grant Program for FY 2010"

Resolution 09-054, "Resolution Approving the Strategy and Draft Budget for Utilization of Community Development Block Grant Funds (CDBG-R) as Allocated to the City of Hayward by the American Recovery and Reinvestment Act of 2009"

COUNCIL REPORTS

Council Member Zermefio extended an invitation to attend the May 2, 2009, Sun Gallery Exhibit and the Cinco de Mayo Festival in downtown Hayward.

ADJOURNMENT

Mayor Pro Tempore Dowling adjourned the meeting at 11:11 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward