



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 20, 2010, 7:00 p.m.

MEETING

The Meeting of the City Council was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member May.

ROLL CALL

Present: COUNCIL MEMBERS Zermefio, Quirk, Halliday, May, Dowling, Henson
MAYOR Sweeney
Absent: COUNCIL MEMBER None

PRESENTATION

Environmental Achievement Awards

Mayor Sweeney noted that the Environmental Achievement Awards was to honor residents, property owners and managers of multi-family dwellings, and schools for their participation in the City-sponsored residential recycling program. He also acknowledged local businesses. He asked Council Member Henson of the Council's Environment Committee to present the Annual Environmental Achievement Awards.

Council Member Henson thanked Brian Schott from the Hayward Chamber of Commerce, Donna Placzek from California State University East Bay, as well as Hugh Murphy from the City's Hazardous Materials Program for their contributions toward evaluating the nominations. The following schools were recognized: Golden Oak Montessori School, Hayward High School, Lea's Christian School, Moreau Catholic High School, St. Bede Catholic School, St. Clement School, and Treeview Elementary School. Mr. Henson then presented the 2010 Neighborhood Awards to residents who demonstrated exemplarily participation in the City's curbside recycling program. He also recognized the property managers at five multi-family complexes: Berry Garden Condominiums, Villa Morada Apartments, Vista Del Plaza, Jackson Arms Apartments, and University Hill Condominiums. Next, Mr. Henson asked Mr. Brian Schott, Hayward Chamber of Commerce Executive Director, to announce the business award winners: Co-mingled Recyclables Collection, Organics Collection, Fabrique Délices, Fiesta Mexican Restaurant, Haig's Delicacies, Hayward Produce Market, and Korea House Restaurant. Ms. Phyllis Moroney, Chamber of Commerce Marketing and Event Coordinator, recognized the following business awardees: Kortick Manufacturing, Lucky's Supermarket, Mi Pueblo Food Center, and Way To Be Designs. Council Member Henson thanked all the participants as well as Solid Waste Manager Dahle-Lacaze and Recycle Interns Beth Storelli and Andrew Sloan. He also spoke favorably of the Keep Hayward Clean and Green Task Force.

Council Member Dowling acknowledged the work by Solid Waste Manager Dahle-Lacaze and her staff for improving the multi-family recycling. Mayor Sweeney thanked all who participated.

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CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met pursuant to Government Code 54957, Government Code 54956.9 (c), and Government Code 54956.9 (a). Mayor Sweeney announced that item 4 on the closed session agenda would be continued to the meeting of April 27, 2010. There was no reportable action on the items discussed.

PUBLIC COMMENTS

Ms. Wynn Greich, Industrial Parkway SW resident, cited an article in the National Geographic magazine regarding chlorine and bromide and the correlation to carcinogenics. Ms. Greich also noted that fluoridated water contains arsenic. Ms. Greich mentioned an article in the "Konformist Book," which contains information about Agenda 21- Reduction of World Population. In light of Earth Week, she mentioned that the City of Palo Alto is advocating for zero pesticides.

Mr. Edward Bogue, Poinciana Street resident, announced a Candidates Night event sponsored by the Southgate Area Homeowners Association for Hayward City Council on Wednesday, May 5th, at 7:00 p.m., at the Alameda County Flood Control Conference Room.

Ms. Kathy Morris, Pueblo Serena resident and Hayward Mobilehome Owners Association (HMOA) President, requested enhancements to the Mobilehome Space Rent Stabilization Ordinance. Ms. Morris requested that park owners provide proof of adequate liability and disaster insurance. Ms. Morris stated a common anniversary date for the entire park would reduce billing inconsistencies. She stated that HMOA opposes vacancy decontrol as it would reduce the value of the homes. She also added that increasing the rent will increase the Consumer Price Index, which will then cause economic hardship to the owners. Ms. Morris thanked Council for the continuing support that has been provided to residents over the years.

Ms. Christy Napieralski, Castro Valley resident, acknowledged the Council and Fire Department for putting together a Community Emergency Response Team course.

Mr. Robert Billmire, Providence Way resident and Chairman of the legal committee, spoke on behalf of the 600 residents of the New England Village Mobilehome Park. Mr. Billmire referred to the section of the staff report related to Water Utility Submetering and concurred that staff should not recommend local legislation on this issue. He noted that after the legal committee has its first meeting with park owners about the submeters, the committee will have an opinion about submetering.

Ms. Betty DeForest, Westwood Street resident, announced a new Hayward program for people in need called Our Urban Orchards – Can Provide Food, which is part of the South Hayward Parish. Ms. DeForest noted that the program involves scheduling times for picking up fruits from yards and delivering them to food banks. She thanked Council Member May for including information about the program in her newsletter and acknowledged Waste Management and Stopwaste.org for providing the grant for the program. Information can be obtained by calling 510-782-3663.

Mr. Doug Ligibel, Mesa Circle resident, discussed the state of the Downtown BART Station and the unprecedented violence that has occurred there over the past three years. Mr. Ligibel mentioned



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he received written confirmation from Bob Franklin, Vice-President of the BART Board of Directors, indicating the contract painting for the Downtown BART Station will begin in June 2010. Mr. Ligibel acknowledged efforts by everyone who participated.

Mr. Brian Schott, Hayward Chamber of Commerce Executive Director, thanked those who were supportive of the TPC Classic at Stonebrae, which was a successful event. Mr. Schott noted the Business Person of the Year for the Hayward Chamber of Commerce was Mr. Steve Miller, who was instrumental in organizing the event.

Mr. Doug Johnson, representing the Western Manufactured Housing Communities Association (WMA) for owners and operators of mobilehome parks throughout California, noted a past productive meeting with staff and suggested future meetings continue to study the issues. He noted that there are on-going California court cases that will be impacting many current issues. He stated that the WMA supports the formation of a working committee that will facilitate discussion.

Mr. Don Orié, Spanish Ranch I Mobilehome owner, citing his 18 years of experience owning mobilehome parks, said he supported the formation of a committee because of the positive results for owners, residents and other stakeholders. Mr. Orié asked that Council be involved in setting up the committee and utilize the committee's recommendations.

WORK SESSION

1. Review and Consideration of Options for Amending the City's Mobilehome Park Regulations

Staff report submitted by City Attorney Lawson and Director of Development Services Rizk, dated April 20, 2010, was filed.

City Attorney Lawson acknowledged the input of staff and members of the community involved with the staff report. Mr. Lawson provided a synopsis of the report.

Mayor Sweeney indicated that Council has agreed that seniors-only mobilehome parks is a Council priority, but not the water submeter issue and questioned taking the time to discuss it. Mayor Sweeney acknowledged that the capital improvement and capital replacement issues can be complex and in need of more attention. Mr. Sweeney acknowledged that the job of outlining the operational transparency issues was well done. Mr. Sweeney indicated that one way to resolve the issues between residents and owners would be to implement an anniversary date for rent increases and noted that there are fewer issues for the parks that currently have this policy. He concurred with City Attorney Lawson that staff should wait and see how the court case in the City of Golida resolves before approaching the fair rate of return issue. He stated that Council has historically resisted vacancy decontrol of mobilehome parks and indicated that Council would not want to change that policy in order to protect residents. Mayor Sweeney expressed agreement with staff that the formula for automatic rent increases should remain unchanged.

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Council Member Quirk agreed with the staff recommendation and focusing on identified priorities. Mr. Quirk supported the creation of a task force and concurred with Mr. Billmire's comment about Water Utility Submeters and not needing additional legislation. He also stated that if residents are in consensus then this item should move forward. Mr. Quirk said that Council should consider subsidization of the submeters at a rate that is consistent with the monies that are spent on other methods of improving water conservation. Mr. Quirk noted that in regards to capital replacement the City needs to monitor if adequate maintenance is performed and noted that residents can provide more input regarding capital improvement. He was in agreement with staff in not addressing the current fair rate of return and suggested looking for additional information. Mr. Quirk stated that he concurs with his colleagues regarding vacancy decontrol. Mr. Quirk questioned whether the Consumer Price Index (CPI) or the automatic 3% were adequate formulas for rent increases.

Council Member Dowling concurred with comments made by Mayor Sweeney and noted that the issue of submeters does not provide water savings and did not recommend moving forward. Mr. Dowling expressed concern regarding the fair rate of return, vacancy decontrol, and going to 100% of CPI because they violate the goals for the mobilehome community in terms of City priorities. Mr. Dowling stated that Council's number one priority is to keep the parks affordable, especially for senior residents. Mr. Dowling favored that residents have input in regards to capital improvements. He asked Ms. Morris if the HMOA would like to be involved in the working committee and asked her to get back to Council and staff. In response to Mr. Dowling's inquiry, WMA representative Mr. Doug Johnson responded that the conversion to condominiums is a trend in California but was unsure in regards to Hayward. Mr. Johnson mentioned one of the major reason owners converted to condominiums is because of the rent control regulations and as more regulations are added, park owners are likely to seek other methods of utilizing the land.

In response to Council Member May's inquiry regarding the senior residency requirement, City Attorney Lawson noted that there is federal legislation that sets an 80% threshold for senior parks which results in federal tax credit benefits to park owners that maintain a minimum of 80% residency of seniors, age 55 and over. Regarding Ms. May's inquiry of the ability to require 100% senior residency, Mr. Lawson responded that the City is adhering strictly to federal and state regulation and does not see the City having the ability to impose a 100% senior residency requirement. Mr. Lawson further pointed out that the regulation requires only one resident of the household to be a senior.

Council Member Halliday concurred with Mayor Sweeney and her colleagues. Ms. Halliday appreciated the protections in place when a park changes over to submeters as outlined in the report. Ms. Halliday spoke to the uniqueness of mobilehome parks for their sense of community and noted that both owners and residents need to communicate with each other. Ms. Halliday supported increasing operational transparency. Ms. Halliday supported the formation of a working committee because there are issues that can benefit from such a committee. Ms. Halliday noted the importance for capital improvements and capital replacements. In response to Ms. Halliday's question regarding vacancy decontrol, Mr. Lawson explained that in a survey of other cities' ordinances there was vacancy decontrol in certain circumstances and noted that staff does not recommend pursuing this issue at this time. Ms. Halliday expressed she wants to see the pass-through costs removed from the rent so as to not be a part of the base computation for future rent increases. Ms. Halliday commended the work done by staff and members of the community.



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City Attorney Lawson confirmed for Council Member Henson the automatic annual rent increases and went on to explain that owners can apply for additional increases based on the fair rate of return. Mr. Henson supported identifying priorities for further study. Mr. Henson concurred with Mayor Sweeney in regards to vacancy decontrol. Mr. Lawson confirmed for Mr. Henson that for capital replacements the residents are consulted as opposed to capital improvements when residents do not have a voice in the decisions. Mr. Henson did not support submetering as it would add costs for seniors who typically survive on a fixed income. He was not convinced on the need for a working committee.

In response to Council Member Zermeño's inquiry about the composition of the committee, City Attorney Lawson noted it would be comprised of City staff, park owners, and residents. Mr. Lawson indicated that the committee would discuss issues and produce a report for Council and that the committee would have no voting power. Mr. Zermeño noted that too large a group might be counterproductive, but overall supported the formation of a committee. Mr. Zermeño stated he had reservations regarding the issues of submetering, vacancy decontrol and the change to the CPI. He noted his priority was to protect seniors by keeping housing affordable and maintaining quality of life.

Mayor Sweeney stated that there appears to be a consensus among Council to pursue a seniors-only park and if legally possible increase the percentage of senior residents closer to 100%. Mayor Sweeney noted that there was also consensus against the issues of submetering, vacancy decontrol and an increase to the CPI. He indicated that Council concurred with City Attorney Lawson regarding the fair rate of return issue, and to wait and see the results of the current court case with the City of Golida. The Mayor noted that there was consensus in terms of the operational transparency for the issue to be resolved. Mayor Sweeney stated that Council would like to see progress made in alleviating the confusion between capital improvements versus capital replacements and referred to the point made by Council Member Dowling, to monitor that improvements and replacements are completed and parks maintained. Mayor Sweeney spoke favorably of forming a committee that is informal, non-monolithic, and not too large to avoid being counterproductive.

Discussion ensued among Council Members in regards to the issue of CPI. Council Member Quirk indicated that according to the ordinance there can be a rent increase of 3% without any changes. Mr. Quirk spoke about the negative impact if owners do not have a fair rate of return and favored the increase be based on a fair rate of return. Mayor Sweeney noted that there was no word of support from the WMA regarding this issue. Council Member Dowling noted the economy and its affect on the CPI, but felt that an increase to 100% CPI could be detrimental to affordable housing. Council Member Henson was in agreement with Mr. Dowling on this issue and suggested that this could be a topic for the working committee. Council Member Halliday stated that the current policy is fair and she favored creating a capital improvement fund account and leaving it to the committee to decide how to spend it. Mr. Quirk noted that he was not advocating for increase to 100% CPI but noted that a 3% increase during poor economic times was unfair.

CONSENT CALENDAR

Consent Item Nos. 10 and 12 were removed for further discussion.

2. Approval of Minutes of the Hayward City Council/Redevelopment Agency Special Joint Meeting on April 6, 2010

It was moved by Council/RA Member Henson, seconded by Council/RA Member Dowling, and carried unanimously, to approve the minutes of the Hayward City Council/Redevelopment Agency Special Joint Meeting of April 6, 2010.

3. Pavement Rehabilitation – Slurry Seal: Hesperian Blvd. and Industrial Blvd. (Districts 17 & 21) – Approval of Addendum, Award of Contract, and Appropriation of Funds

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 20, 2010, was filed.

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

Resolution 10-042, “Resolution Amending Resolution 09-083, as Amended, The Capital Budget Resolution for Fiscal Year 2010, Relating to an Appropriation of Funds from the Street System Improvements Fund, Fund 413 to Pavement Rehabilitation Slurry Seal: Hesperian Boulevard and Industrial Boulevard (Districts 17 & 21) Project, Project No. 5139”

Resolution 10-043, “Resolution Approving Addendum No. 1 and Awarding the Contract to American Asphalt Repair and Resurfacing Company, Inc., for the Pavement Rehabilitation Slurry Seal: Hesperian Boulevard and Industrial Boulevard (Districts 17 & 21) Project, Project No. 5139”

4. Measure B Pavement Rehabilitation FY 2010: Award of Contract

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 20, 2010, was filed.

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

Resolution 10-044, “Resolution Awarding Contract to Gallagher & Burk, Inc., for the Measure B Pavement Rehabilitation FY 2010, Project No. 5171”

5. A Street Improvement Project: Approval of Plans and Specifications and Call for Bids



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Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 20, 2010, was filed.

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

Resolution 10-045, "Resolution Approving Plans and Specifications for the A Street Sewer Improvement Project, Project No. 7519, and Call for Bids"

6. Transportation Development Act Article 3 Funds FY 2011: Wheelchair Ramps – Authorization to File Application

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 20, 2010, was filed.

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

Resolution 10-046, "Resolution to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2011 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding for Installation of Wheelchair Ramps"

7. Authorization for the City Manager to Execute a Professional Services Agreement for Conceptual Design Services for the Median Landscaping Improvement Project

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 20, 2010, was filed.

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

Resolution 10-047, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Gates + Associates, for Conceptual Design Services for the Median Landscaping Improvement Project, Project No. 5193"

8. Authorization for the City Manager to Execute a Professional Services Agreement for Supervisory Control and Data Acquisition (SCADA) Programming for the Emergency Wells SCADA Installation Project

Staff report submitted by Deputy Director of Public Works Ameri, dated April 20, 2010, was filed.

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

Resolution 10-048, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with SCADA Support Group for Supervisory Control and Data Acquisition (SCADA) Programming for the Emergency Wells SCADA Installation Project, Project No. 7171"

9. Resolution Expressing the City of Hayward Opposition to Proposition 16 for the June 8 Ballot and Protecting the City's Ability to Pursue Community Choice Aggregation to Reduce Greenhouse Gas Emissions

Staff report submitted by Senior Planner Pearson, dated April 20, 2010, was filed.

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

Resolution 10-049, "Resolution Expressing the City of Hayward's Opposition to Proposition 16 and Protecting the City's Ability to Pursue Community Choice Aggregation to Reduce Greenhouse Gas Emissions"

10. Extension of Term of Office for Appointed Officials of the City's Boards, Commissions, Committees, and Task Force Members, Whose Term of Office Ends June 30, 2010

Staff report submitted by City Clerk Lens and City Attorney Lawson, dated April 20, 2010, was filed.

City Council approved the Resolution with direction to staff to bring back a resolution that would offer a permanent solution to future recruitments that occur during an election year. Council Member Dowling favored retaining the Youth Commission recruitment timeline and suggested that interviews be held in June as customarily occurs. Mayor Sweeney indicated that Council Member Dowling's concern could be addressed when a permanent solution is presented for Council's consideration.

It was moved by Mayor Sweeney, seconded by Council Member Zermeño, and carried unanimously, to adopt the following:

Resolution 10-052, "Resolution Temporarily Extending the Term of Office for the Appointed Officials of the City's Boards, Commissions, Committees and Task Force, Whose Term of Office Ends June 30, 2010"



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11. Acting City Manager's Salary and Benefits

Staff report submitted by Mayor Sweeney, dated April 20, 2010, was filed.

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

Resolution 10-050, "Resolution Establishing the Salary and Benefits for the Acting City Manager of the City of Hayward"

12. Route 238 Corridor Improvement Project: Approval of Plans and Specifications and Call for Bids; Authorization for the City Manager to Execute an Amendment to the Professional Services Agreement with Mark Thomas and Company; and Authorization to Request Advance Funding from the California Transportation Commission

Staff report submitted by Deputy Director of Public Works Fakhrai, dated April 20, 2010, was filed.

In response to Mayor Sweeney's inquiry as to how this item relates to the condition of the streets when the City takes over, Director of Public Works Bauman indicated that part of the project is the need to have certain streets relinquished from the State. Mr. Bauman indicated that those streets will become the responsibility of the City from the time construction commences and noted that there will be additional costs to improve and upgrade those streets and the initial cost will be covered through the Capital Improvement Program. In response to Mayor Sweeney's question regarding Caltrans leaving the streets in good shape, Mr. Bauman stated that a requirement of relinquishment of a State highway is that the State brings the highway up to a condition of good repair. Mr. Bauman noted that in this case, improvements will occur through Measure B Project funding and include Caltrans making upgrades not only to pavement but also to sidewalks, street lights and landscaping.

Acting City Manager David indicated that Jackson Street is currently being repaired by Caltrans, and the Measure B funds covering Industrial Boulevard to A Street portion will bring that area to a more than adequate state of repair. Ms. David noted that staff is currently in discussions with Caltrans and Local Alternative Transportation Improvement Program (LATIP) partners regarding A Street north to the City boundaries portion, to find a solution to ensure that this area is brought up to the same standard as the rest of Mission Boulevard. Mayor Sweeney indicated that, prior to the City taking over, Caltrans needs to make sure that this area is improved to an acceptable condition at their expense.

Council Member Henson concurred that the condition of the street in that area needs to be improved. In response to Mr. Henson's question about traffic signals, Public Works Director Bauman clarified that the area the report addresses is the 238 Corridor Improvement Project, which

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was approved by Council in 2007 and included the improvements and traffic signals. Mr. Bauman noted that the adaptive timing system will help manage traffic in the future and confirmed for Mr. Henson that the intent is to bring the area north of A Street up to the same level of improvement that is being provided to the rest of the corridor.

Council Member Dowling made a motion per the staff recommendation and Council Member Zermefio seconded the motion.

Mayor Sweeney noted his opposition to the mini-loop project and asked that the motion include direction to staff that Council would like to see Caltrans uphold or find revenues to pay for necessary improvements before the City takes control of the streets. Council Members Dowling and Zermefio concurred.

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

Resolution 10-053, "Resolution Authorizing the City Manager to Approve Plans and Specifications and Call for Bids for the Route 238 Corridor Improvement Project, Project No. 5117"

Resolution 10-054, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Mark Thomas and Company for the Route 238 Corridor Improvement Project, Project No. 5117"

Resolution 10-055, "Resolution Authorizing the City Manager to Request Advance Funding from the California Transportation Commission for the Route 238 Corridor Improvement Project, Project No. 5117"

Resolution 10-056, "Resolution Authorizing the City Manager to Seek Local Alternative Transportation Improvement Program (LATIP) Funding for Mission Boulevard North of A Street and Jackson Street from Watkins Street to Santa Clara Avenue"

13. Amendment to Contract with International Parking Design, Inc. for Design Services for the Replacement Parking Garage at the South Hayward BART Station Transit-Oriented Development Project (*Continued from 04/06/10*)

Staff report submitted by Director of Public Works Bauman, dated April 20, 2010, was filed.

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

Resolution 10-051, "Resolution Authorizing the City Manager to Negotiate and Execute a Contract Amendment with International



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Parking Design, Inc., for Design Services Related to the Replacement Parking Garage at the South Hayward BART Transit-Oriented Development Project for a Total Compensation Amount not to Exceed \$50,000 for All Services Rendered Under the Contract”

Mayor Sweeney recused himself from the meeting due to his employment with a non-profit agency that has applied for possible funding. He turned the gavel over to Mayor Pro Tempore Henson, who then presided the meeting.

PUBLIC HEARING

14. FY 2010-14 Five-Year Consolidated Plan and FY 2010-11 Community Development Block Grant Funding Recommendations

Staff report submitted by Social Services Planning Manager Culver, dated April 20, 2010, was filed.

Library and Community Services Director Reinhart introduced Social Services Planning Manager Culver who gave a synopsis of the report.

Social Services Planning Manager Culver responded to Council Member Quirk, noting that the Housing Rehabilitation Loan Program is a deferred loan program and the Minor Home Repair Program is a grant program. In response to Mr. Quirk’s inquiry, Acting City Manager David explained the reasoning behind staff’s funding recommendations for these programs and indicated that it is staff’s responsibility to direct resources to Council’s priorities. In response to Mr. Quirk’s question as to why the funding amount for the Home Rehabilitation Program was not increasing, Ms. Culver stated that the difference is in the higher number of households that could be served under the Minor Home Repair Grant Program. Mr. Quirk expressed concern regarding the funding amounts requested by shelter bed programs and noted the difference in recommended funding between the Emergency Shelter Program and Family Emergency Shelter Coalition (FESCO). Ms. Culver explained that there was a concern about the perception of fairness in making a recommendation to fund an applicant at significantly higher levels than requested. Ms. Culver indicated that next year staff will be able to work with the Human Services Commission (HSC) and the Citizens Advisory Commission (CAC) to plan more strategically to address this issue and establish a structure for such recommendations.

In response to Mr. Dowling’s inquiry regarding the kitchen project for Spectrum, Social Services Planning Manager Culver responded that the applicant received \$100,000 during fiscal year 2008-09 specifically for land acquisition and that the funds are on hold. Acting City Manager David noted that Spectrum chose not to apply this year.

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Council Member Halliday expressed concern regarding staff time constraints in being able to fund applicants and asked if the funds from last year had been exhausted. Social Services Planning Manager Culver explained that all the funds were distributed last year and that staff has been able to fund applicants in partnership with Community Preservation Program. Ms. Halliday commended staff for their efforts during hard economic times. Ms. Halliday spoke about the State funding for emergency shelters indicating there were shelters that did not receive funding and was glad that FESCO was able to receive requested funds this year. Ms. Halliday spoke about attending a meeting at the Eden Youth and Family Center (EYFC) and that Supervisor Steele along with County health officials toured the facility and indicated that health officials would like to help EYFC with long range planning. She indicated she was glad to see the funding for the EYFC and the Hayward Day Labor Center who pays rent to the EYFC.

Mayor Pro Tempore Henson cited the Civic Green Building Ordinance, and asked if stimulus monies could be used to do a complete upgrade of the EYFC. Acting City Manager David explained the short term plan is to help the facilities continue to provide services in a safe environment and reduce energy costs. Ms. David noted that a long term goal is to secure outside funding including federal stimulus funding and explained the significant level of community participation that would be required to make this happen.

Council Member Zermeño mentioned that the Hayward Day Labor Center has partnered with a solar paneling system and asked if placing solar panels in the parking lot could qualify as a shovel-ready project. Acting City Manager David responded that planning would still need to be completed on many different aspects. Mr. Zermeño noted this project would enable utilizing the partnership and asked if it could be reviewed by staff.

Council Member Dowling indicated he would like to see strategic planning for the EYFC and that the facility should be replaced. Mr. Dowling indicated a good plan would have been to combine the EYFC with the Matt Jimenez Center and build one big campus. Mr. Dowling did not see funding more repairs for EYFC as a good investment, unless it is an emergency.

Mayor Pro Tempore Henson opened the public hearing at 9:34 p.m.

Ms. Patra Nesseth-Steffes, Bland Street resident and representing Sun Gallery, thanked the CAC and City staff for their recommendations. She invited those present to the Wild Wild West II Show running from April 14th thru May 15th. She provided information about other upcoming events.

Ms. Cate Steane, FESCO Executive Director, thanked Council Member Halliday for mentioning the Federal Emergency Shelter Grant (FESG). Ms. Steane spoke about Hayward residents receiving services from agencies outside of Hayward. Ms. Stein respectfully suggested that the Council's analysis of why organizations should receive funding should consist of the following: is this a service that low-income Hayward residents need; do a substantial number of Hayward residents access this service through this organization; and are the organization's services of high quality.

Ms. Sara Lamnin, Sebastopol Lane resident, thanked staff and Council for the exceptional work. Ms. Lamnin noted the CAC worked hard to spread resources across the board and to support the City and communities. Ms. Lamnin explained the thought process the CAC went through in



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making their recommendations. Council Member Halliday acknowledged the hard work of the CAC commissioners. Ms. Lamnin stated her concern would be not duplicating services with the additional funding available.

Mr. Ron Gillette, Castro Valley resident and Executive Director for Women on the Way, thanked Council's support. He noted the agency is committed to Hayward residents and has contributed toward the improvement of Hayward. He noted the agency provides an important service to the community in helping individuals successfully re-enter society. Mr. Gillette requested Council increase the funding to help pay for a new roof for the building.

Mr. Ralph Johnson, Executive Director of Emergency Shelter Program, thanked the CAC and City staff for their funding recommendations and support of the program. Mr. Johnson addressed the process that unfolded at the Special Meeting of the CAC on April 13, where it was announced that additional funding was available for public service contracts for fiscal year 2010-11. Mr. Johnson noted the CAC established a qualifier that disqualified his program for consideration. Mr. Johnson spoke about the elimination of State funding for domestic violence programs next year.

Ms. Betty DeForest, Westwood Street resident, spoke on behalf of the Hayward Day Labor Center and asked Council to consider the CAC recommendation. Ms. DeForest noted the Center is searching for ways to diversify its income. Ms. DeForest mentioned that she would like to be a part of the discussions regarding the EYFC. Council Member Dowling mentioned that the Alameda Labor Council, AFL-CIO supports the Hayward Day Labor Center. Ms. DeForest spoke favorably of the partnership between the Alameda Labor Council and the Hayward Day Labor Center.

Mr. Gabriel Hernandez, with the Hayward Day Labor Center, invited everyone to Earth Day, on Thursday at 10:00 a.m. Mr. Hernandez spoke about the obstacles in locating funding and noted that the Tiburcio Vasquez funding has been cut. Mr. Hernandez referred to Exhibit E and indicated that it addresses Council Member Quirk's question about the impact of receiving various amounts of funding. He spoke about discussions with the Labor Council regarding how groups can cooperate rather than compete against each other.

Mayor Pro Tempore Henson closed the public hearing at 10:05 p.m.

Council Member Halliday made a motion per the FY 10-11 Community Development Block Grant (CDBG) Citizens Advisory Commission's Recommendation with the exception of the Housing Rehabilitation Loan Program (Application 1) and the Minor Home Repair Program (Application 2). It was proposed that \$50,000 from Application 1 be transferred to Application 2, which would result in \$180,000 for the Housing Rehabilitation Loan Program and \$268,000 for the Minor Home Repair Program.

Council Member Quirk and Zermefio seconded the motion.

Council Member Zermefio commended staff and the CAC for increasing the amount for the Small

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Business Revolving Loan Program. Mr. Zermeño noted that the Hayward Day Labor Center has diversified its funding and noted its partnerships with labor unions and a solar energy company out of San Jose.

Council Member May reiterated her position about funding agencies located within the city limits and suggested that Council explore annexation. Ms. May noted that favoring the motion would suggest that she is in favor of funding agencies located outside the city limits and voting against the motion would suggest that she is not in favor of the agencies receiving funding. Ms. May noted the CDBG funding comes from the Federal Government and that Social Services funding comes from Hayward residents and tax payers. Ms. May noted she would be abstaining from voting on this and the next item because she believed them to be flawed.

Council Member Quirk concurred with Ms. Steane regarding agencies not located in Hayward who serve Hayward residents. Mr. Quirk expressed sympathy for Mr. Johnson not being able to qualify for additional funding. Mr. Quirk supported the motion. Mr. Quirk mentioned that the Hayward Day Labor Center has solved the problem on Tennyson Street and noted that the additional \$20,000 will go to serve Hayward residents. Mr. Quirk commended the CAC commissioners.

Mayor Pro Tempore Henson agreed with additional funding for the Hayward Day Labor Center and the Minor Home Repair Program. Mr. Henson was concerned and suggested that in the future the Business Revolving Loan Program not be reduced and spoke about the jobs that are created through that program. He supported the motion

It was moved by Council Member Halliday, seconded by Council Member Quirk and Zermeño, and carried with Mayor Sweeney absent and Council Member May abstaining, per the FY 10-11 Community Development Block Grant Citizens Advisory Commission's Recommendations was approved with the exception of the Housing Rehabilitation Loan Program (Application 1) and the Minor Home Repair Program (Application 2). It was proposed that \$50,000 from Application 1 be transferred to Application 2, which would result in \$180,000 for the Housing Rehabilitation Loan Program and \$268,000 for the Minor Home Repair Program.

Resolution 10-057, "Resolution Adopting the Consolidated Plan for Fiscal Years 2010-2014"

Resolution 10-058, "Resolution Approving the Annual Plan and Authorizing an Application for Federal Assistance under the Community Development Block Grant Program for Fiscal Year 2011"

15. Human Services Commission's FY 2011 and FY 2012 Social Services Funding Recommendations

Staff report submitted by Social Services Planning Manager Culver, dated April 20, 2010, was filed.

Social Services Planning Manager Culver gave a synopsis of the report.



**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, April 20, 2010, 7:00 p.m.**

Mayor Pro Tempore Henson opened the public hearing at 10:17 p.m.

Ms. Karla Goodbody, Linfield Lane resident, thanked staff and Council for funding the Davis Street Resource Center and the 288 Hayward residents that it serves. Ms. Goodbody explained the Davis Street services and explained how the organization leverages its funds.

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

Council Member Quirk made a motion per staff and Human Services recommendation. Council Member Zermefio seconded it.

Council Member Halliday was glad to be able to provide the funding as the need was great. Ms. Halliday spoke about charitable giving and that these organizations provide a great deal of services for those in need. Ms. Halliday acknowledged the dedication of those who choose to work for non-profit organizations.

Mayor Pro Tempore Henson reiterated his support for working with Hayward Community Gardens. He noted that in this time of need, residents could benefit from fresh fruit/vegetables.

It was moved by Council Member Quirk, seconded by Council Member Zermefio, and carried with Mayor Sweeney absent and Council Member May abstaining, to approve the staff recommendation.

COUNCIL REPORTS

Council Member Zermefio acknowledged Mt. Eden High School students for their successful nationwide participation in the Anaheim National Music Concert.

Council Member May reported that a student from Mt. Eden High School won the Aviation Camp Scholarship. Ms. May also announced the Third Annual South Hayward Stroll, scheduled for April 24th from 1:00 to 4:00 p.m., at Tennyson Park behind the Matt Jimenez Community Center. Ms. May added that she will be moderating a City Council Candidate Debate, hosted by the Asian Pacific Islander American Public Affairs Association, at Skywest Restaurant on April 29, 2010 at 6:30 p.m.

ADJOURNMENT

Mayor Pro Tempore Henson adjourned the meeting at 10:25 p.m.

APPROVED:

Michael Sweeney, Mayor, City of Hayward

ATTEST:

Miriam Lens, City Clerk, City of Hayward

DRAFT