



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 25, 2003, 8:00 p.m.

MEETING

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

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PUBLIC COMMENTS

Al Reynolds asked that the City Clerk send this evening's minutes to Ken Price, who was unable to attend.

Barbara Swarr commented on the world situation and crisis.

Phillip Fontes presented a notice to abate that he recently received regarding a parked automobile.

Bill Quirk reiterated on the work session that was held earlier regarding the mobile home ordinance.

Francisco Abrantes commented on the Fire Department's training methods.

Jason Moreno discussed cell phones and the 911 emergency number.

Bob Billmire, Chairman of the Mobile Home Community, expressed his concerns related to amending the mobile home ordinance as proposed by staff at the earlier work session. He commented on possible conferences with the City Attorney.

CONSENT

1. Approval of Minutes of the City Council Meeting of March 18, 2003

It was moved by Council Member Henson, seconded by Council Member Jimenez, and unanimously carried, with Council Member Ward abstaining, to approve the minutes of the City Council Meeting of March 18, 2003.

DRAFT

2. Transportation Development Act Article 3 Funds: Wheelchair Ramps – Authorization to File Application

Staff report submitted by Deputy Director of Public Works/Engineering Bauman, dated March 25, 2003, was filed.

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

Resolution 03-040, “Resolution Authorizing the City Manager to Submit a Grant Application for Funds to Construct Wheelchair Ramps for Fiscal Year 2003-04”

HEARINGS

3. Administrative Citations Ordinance

Staff report submitted by Neighborhood and Economic Development Manager Bauman, dated March 25, 2003, was filed.

Neighborhood and Economic Development Manager Bauman reported on the need for this Ordinance when citizens who have violations make little or no effort to abate them. This Ordinance is designed to provide the City with another option to encourage voluntary compliance with the provisions of various City codes and ordinances. She then outlined the process. She then answered questions from Council Members.

Mayor Cooper opened the public hearing at 8:32 p.m.

Jason Moreno commented on the businesses, which were listed on a City information sheet to homeowners as being available for weed-abatement, and their possible ties as donors to Council Members.

City Manager Armas noted that Council Members were not even aware that the information was produced and distributed by the City in this regard.

Mayor Cooper closed the public hearing at 8:35 p.m.

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

Ordinance 03-___, “Ordinance Amending Chapter 1, Article 3 of the Hayward Municipal Code Relating to Administrative Citations”

DRAFT



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 25, 2003, 8:00 p.m.**

LEGISLATIVE BUSINESS

4. I-880/92 Interchange Project

Staff report submitted by City Manager Armas, dated March 25, 2003, was filed.

Council Member Rodriguez used her Council Member's Prerogative to continue this item for one week. She expressed concern that residents were not notified that the issue was to be heard.

Mayor Cooper opened the public hearing at 8:37 p.m.

Roy Gordon spoke on behalf of the Southgate Homeowners Association saying neighbors were not informed of this meeting. He discussed the no-build alternative and the Alternative allowing Caltrans to take 12 homes on Peterman Street, and suggested it was unnecessary. He discussed noise-pollution as a result of the construction in the area.

Bob Stockton spoke on behalf of Neighbors Against Freeway Intrusion, No on Alternative "H." He indicated that this alternative is not acceptable to the neighborhood. He discussed the criteria created by the neighborhood to make an interchange project acceptable to the area. He commented on the CAC final meeting as well, saying they did not finish their job.

Mayor Cooper closed the public hearing at 8:47 p.m.

The item will be continued for one week.

5. Direction to Staff Regarding Medicinal Marijuana

Staff report submitted by City Manager Armas, dated March 25, 2003, was filed.

Mayor Cooper opened the public hearing at 8:50 p.m.

The following citizens spoke in favor of recognition and support of medicinal marijuana dispensaries:

John Coyle
Stacy Fernandez
Don Duncan
Shon Squier
Elizabeth Veloza

Tod Mikuriya, MD
William J. Drury III
Mike Alcaldy
Paul Baerwald
Mary Ann Arta

DRAFT

Phillip K. Mol
Robert Raich, Attorney General's Task
Force
Jeff Jones
Ryan Landers, State Director for Medical
Marijuana
Xeno Rasmusson, Cal State Professor
Don Konecny
Dale Gieringer
Bob Swanson

Dennis Umphress
Susan Forsyth
Charlene Shores, GLOBE
John Church
Stephanie Rubasky
Jason Moreno

There were no public members who spoke against the issue.

Mayor Cooper closed the public hearing at 10:29 p.m.

Mayor Cooper spoke on the conflict between State and Federal laws on this issue. She suggested the Council was divided on this issue. She said she would like to establish an ad hoc group to talk about compassion without law-breaking. Those who choose to smoke outside the facility will still be subject to arrest. If any one smokes within a building it is illegal. As Mayor, she said she would like to establish a committee of five to seven task forces members including the member of the police department and a member of the faith based community. She wants some sort of guidelines for Council. She suggested that the Task Force would brainstorm and find information so that Council can make an objective decision. She noted that voters in the City of Hayward voted overwhelmingly to support the State Proposition 215 supporting medicinal marijuana.

Council Member Hilson stated that the more appropriate setting for these discussions would be in Congress and the State Legislature. He felt that this would be a premature action at this time. He commented on the legalities and sanctions on the retail level. He noted that marijuana is a drug and must be dispensed under a regulated system.

Council Member Dowling commented that the issue was not brought to the City Council's attention through the dispensaries. He noted that patients are not asking for protection, but the Attorney General has been supportive. The proposition did not have many details believing that the guidelines would follow through Legislative action. He added that the main concerns are obtaining the marijuana. As a compassionate "Heart of the Bay," the City of Hayward should be in the forefront.

Council Member Jimenez agreed with Council Member Hilson's comments.

City Manager Armas requested that staff be directed related to staffing resources.

Council Member Rodriquez agreed with ad hoc committee establishment. She commented that education is important for dealing with most issues. Marijuana gives ease to pain, the pill variety

DRAFT

is a good idea. She said she was not aware of the dispensaries already in the City of Hayward.

Council Member Dowling moved to authorize the Mayor to set up a working group to study this issue and to authorize staff to assist in this effort.

Council Member Ward asked why this task force creation was different.

City Manager Armas stated that Council had authorized staff time for previous Task Forces.

Council Member said he visited a few of the dispensaries within the City to better understand the current situation in the community. He said he was aware of the fact that at least one facility existed. He noted that these dispensaries do not appear to affect the community in a negative way, and do provide some benefit to patients and those who use them. He added that having a Task Force might answer some questions as opposed to endorsing a predetermined result. He stated the Council needs to have a better understanding of the impacts to the Community, and the effects of the establishments in the downtown area. He commented on various possible outcomes.

Council Member Henson said he asked for more information and commended those who spoke on this topic. He said he would support efforts to learn more about the issue of medicinal marijuana. He said this was a good first step toward working out this issue.

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried by the following roll call vote to make appropriation of staff time towards the Mayor's Ad Hoc Committee.

AYES: Council Members Rodriquez, Ward, Dowling,
Henson
MAYOR Cooper
NOES: None
ABSENT: None
ABSTAINED: Council Members Jimenez, Hilson

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:54 p.m.

DRAFT



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 25, 2003, 8:00 p.m.**

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

DRAFT