



**MINUTES OF THE SPECIAL CITY COUNCIL  
MEETING OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, July 31, 2007, 8:00 p.m.**

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**MEETING**

The Special 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 Dowling.

**ROLL CALL**

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

Mayor Sweeney indicated that Council Member Quirk would be participating via telephone from 7253 Nohil Street, Honolulu, Hawaii. The Agenda for this meeting was duly posted at the remote teleconference location.

**PUBLIC COMMENTS**

Barbara Sacks spoke on a recent police incident at her mobile home park. She expressed appreciation for police staff for their collaborative efforts towards apprehending several suspects in the mobile home park.

Patrick Clark, a resident in the Kelly Street neighborhood, spoke against arresting patients using medical marijuana.

Cora Baker, a resident of Upland Way, spoke in support of the Oakland program for registering medical marijuana patients.

Daniel Berkes, a S.F. resident, spoke in support of medical marijuana.

Paul Barber, a resident of Santa Clara Street, spoke against closing the Hayward dispensary.

Rita Rodrigues spoke against closing the medical dispensary and her need to have a facility where she can purchase marijuana for her medical needs.

Jessica Meny resides on Prospect Street and spoke against the closing of the medical marijuana dispensary.

Michelle Berg, a Hayward home owner for seven years, stated that the medical dispensary has followed the guidelines as required by the City and spoke in support of the dispensary's continued operation.

**DRAFT**

Barbara Julius, a Hayward resident, spoke in support of the Hayward Patients Resource Center (HPRC).

Julie Caylor stated that she resides in Hayward and has taken medical marijuana for the past two years.

Jan Graham spoke against the closing of the HPRC marijuana club.

Christopher Doty works with the HPRC and previously worked at another dispensary. He said that the owner of this dispensary has complied with City regulations; the new location seemed appropriate and asked why the City no longer approves of the facility.

Emily Andrade works at HPRC and spoke in support of its continued operation.

Jim Jay, resides on Watkins Street, and spoke in support of the use of cannabis and commented on the negative impacts of pharmaceutical companies.

Bob Wilson had a previous club; it was closed down, and he said that he continued to provide cannabis to his customers in particular the elderly patients. He stated that by closing the club, there will be additional issues and home grown marijuana will increase in this area.

David McBarron, a business owner across from the HPRC, spoke in favor of the club, queried his customers and most of them supported the use of medical marijuana.

Patricia Sparks stated that she resides in Tulare and uses marijuana as a heart surgery patient. She spoke in favor of keeping the dispensary open.

David Edelhart previously worked at a dispensary helping distribute marijuana to critical patients. He spoke on the money that these patients pay and now they will have to go to the streets to purchase it.

Elaine Leven stated that she has multiple sclerosis and uses the edibles for her pain. She spoke in favor of the dispensary and has used them for the past two years.

Alex Navte stated that he lives in Castro Valley and a Vietnam veteran. He said that he suffers from post traumatic stress disorder and uses the edibles to help him sleep. He spoke in support of this facility.

Gary Sproles spoke in favor of the dispensary as it is secure and accessible than others in the county.

Cynthia McCrary does not live in Hayward, but works at HPRC where she answers phone calls. She said that she has glaucoma and chronic back pain. Prior to Proposition 215, a Kaiser doctor recommended that she use marijuana for relief of pressure in her eyes. She considered it as a safe haven for homeless as well as those in need of cannabis and stated that they feed the homeless every Friday.

Erin Eileen Buyense stated that she uses cannabis for the past two years as she suffers from chronic irritable bowel syndrome and urged that the dispensary remain open.



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Richard Paul Duncan spoke in support of receiving medical marijuana locally.

Matthew Lawson has worked at cannabis clubs for the five years at three different clubs and this is the best medical marijuana dispensary of all three. He expressed concern for his job at this dispensary.

Nick O'Pratt spoke in favor of the HPRC operators.

Brandon Kiel, a resident of San Leandro, said that closing this dispensary will increase sales on the streets.

Sara Kuebler stated that closing the dispensary is a serious issue. As the operators following the regulations placed on them, she asked for consideration in keeping medical marijuana in Hayward.

Daniel Masuko stated that HPRC is reliable in that it checks the cannabis, regulates it and does not sell tainted. It is close to public transportation and a safe location. He stated that Hayward has a drug problem and not caused by HPRC.

Susan Turnbull resides in Castro Valley and stated that she came to California so that she could have safe access to marijuana that was recommended by her doctor in Alaska. She described her hardships in going to Oakland and San Francisco. She did not see herself as a threat to the downtown.

Mayor Sweeney reminded all that this is the Public Comments portion of the Agenda and clarified that no action will be taken in this regard.

## **LEGISLATIVE BUSINESS**

### **1. City Manager Appointment - Approval of Employment Agreement with Gregory T. Jones**

Staff report submitted by City Clerk Reyes and City Attorney O'Toole, dated July 31, 2007, was filed.

Mayor Sweeney indicated that this is the agreement as prepared by City Attorney O'Toole as directed by Council and evaluated.

Mayor Sweeney opened and closed the public hearing at 8:55 p.m.

Council Member Halliday stated that this contract reflects what was discussed. She asked for clarification on the auto allowance. City Attorney O'Toole responded that the auto allowance is for the day to day use and the mileage is additional when extended trips are necessary, such as to Sacramento. She asked whether there was a cap on the moving expenses. It was noted that the new City Manager would need to pay for the expenses and request a reimbursement that would be reviewed. In the performance evaluation section of the agreement, she asked for clarification. City

**DRAFT**

Attorney O'Toole responded that this language gives the Council more flexibility, but suggested that the Council meet with the new City Manager to set up a series of reviews.

Council Member Rodriquez stated that she had similar questions as Council Member Halliday and was agreeable that the expenses are subject to review. She had a concern about the automatic renewal in Section 1. She felt that she would have benefited with an additional review of this agreement.

Council Member Henson inquired on Section 16 related to the fidelity bond. It was noted that this is standard.

Council Member Dowling preferred to see "will review" rather than "may review." City Attorney O'Toole suggested that the Council set the review schedule as soon as Mr. Jones, the new City Manager arrives in October. There seemed to be consensus that the evaluation process be discussed and scheduled with the new City Manager at his arrival.

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

Resolution 07-123, "Resolution of the Hayward City Council Appointing Gregory T. Jones as City Manager and Authorizing the Mayor to Execute an Employment Agreement"

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

## **ADJOURNMENT**

Mayor Sweeney adjourned the meeting at 9:07 p.m. in memory of Coach Bill Walsh, noting that he was a former Hayward High School graduate. Council Member Henson recalled his experience with Coach Bill Walsh who offered many opportunities for black coaches to succeed.

Mayor Sweeney also adjourned the meeting in memory of Rosemarie Irene Monteiro, a life long Hayward resident on D Street. She lost her mother at age five, but was raised by her father. She attended Hayward schools and graduated from the old Hayward High School. She leaves three children, Ray, Nancy and Larry.

## **APPROVED:**

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Michael Sweeney, Mayor, City of Hayward



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**ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward