



**MINUTES OF THE SPECIAL CITY COUNCIL/  
REDEVELOPMENT AGENCY MEETING OF  
THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, February 16, 2009, 7:00 p.m.**

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**MEETING**

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

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Zermeño, Quirk, Halliday, May, Dowling,  
Henson  
MAYOR/Chair Sweeney  
Absent: COUNCIL/RA MEMBER None

**CLOSED SESSION ANNOUNCEMENT**

Mayor Sweeney reported that Council met regarding the City Clerk's Performance Evaluation, pursuant to Government Code 54957. There was no reportable action.

**PROCLAMATION**

Art IS Education

Mayor Sweeney read the proclamation announcing the month of March 2010 as Art IS Education in the City of Hayward. Hayward Arts Council Vice President, Edward Keller, accepted the award on behalf of the Hayward Arts Council. Mr. Edward Keller noted that the Art IS Education event is sponsored by the Hayward Arts Council and the Art Association of the East Bay. He said the kick off will start with the Hayward Band Festival and Tri-City Art Exhibit at Chabot Community College on February 28, 2010. He extended an invitation for all to attend the event.

**PUBLIC COMMENTS**

Ms. Wynn Grcich, Industrial Parkway resident, spoke about Legislators' decisions regarding toxic chemicals in drinking water and about dprogram.net concerning conspiracy theories. Ms. Grcich made a Public Record Act request regarding whether the City belongs to the International Council for Local and Environmental Initiatives (ICLEI), if the City goes under the protocol of Agenda 21, and, if so, if the City pays membership dues and, if so, how long the City has been a member. Mayor Sweeney asked City Attorney Lawson to respond to the request.

Mr. Milt Bowerman, Saddle Drive resident and music coordinator for the Hayward Arts Council, thanked Council for its support and invited all to attend the Hayward Band Festival on February 28, 2010. He mentioned it was a free event.

**DRAFT**

Mr. Mac McCarty, Castro Valley resident, spoke on behalf of the Friends of Arts. Mr. McCarthy extended an invitation to attend a fundraiser performance, "Chicago Speakeasy," that will benefit the Friends of the Arts Scholarship Fund. He said the performance is schedule for March 5<sup>th</sup> at 6:00 p.m. at California State University East Bay.

Mr. Dale Burdick, Newark resident and Director of Outreach at the Hayward Church of Nazarene, thanked Council for the City's attempts to help the homeless. He noted that his church serves dinner to 400 families a month and 50 homeless people a week.

Ms. Diane Fagalde, Tyrell Avenue resident, spoke in favor of creating an assistant program for the homeless. Ms. Fagalde noted that the homeless need a place where they can get their mail and take a shower, especially during winter.

Ms. Judy Harrison, Morse Court resident and Friends of the Library member, spoke highly about grant programs and excellent services that the Library brings to the City. Ms. Harrison thanked Council for the support the Library has received.

Mr. Doug Ligibel, Mesa Circle resident, referred to the City of Oakland and how the murder rate dropped as neighborhood watch groups increased in addition to hiring more sworn officers. As a member of the Hayward Neighborhood Alert, he advocates building up neighborhood watch groups to help reduce the crime rate.

## **CONSENT CALENDAR**

1. Approval of Minutes of the City Council Meeting on January 26, 2010

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the City Council Meeting of January 26, 2010.

2. Approval of Minutes of the City Council Meeting on February 2, 2010

It was moved by Council Member Dowling, seconded by Council Member Henson, and carried unanimously, to approve the minutes of the City Council Meeting of February 2, 2010.

3. Authorization for the City Manager to Execute a Technical Services Agreement for Drafting Services for the Aqueducts Record Drawing and Mapbooks Update Project

Staff report submitted by Deputy Director of Public Works Ameri, dated February 16, 2010, was filed.

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

Resolution 10-009, "Resolution Authorizing the City Manager to Negotiate and Execute a Technical Services Agreement with ValueCAD for CAD Services for the Aqueducts Record Drawing and MapBooks Update Project"



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4. Resignation of Gary Steinberger from the Citizens Advisory Commission and Lisa Tyler from the Downtown Business Improvement Area Advisory Board

Staff report submitted by City Clerk Lens, dated February 16, 2010, was filed.

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

Resolution 10-010, "Resolution Accepting the Written Resignation of Gary Steinberger from the Citizens Advisory Commission and Lisa Tyler from the Downtown Business Improvement Area Advisory Board"

5. Authorization for Professional Services Contract with IntelliBridge Partners for Interim Finance Director Services

Staff report submitted by Finance Director Auker, dated February 16, 2010, was filed.

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

Resolution 10-011, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Intellibrige Partners for Interim Finance Director Services"

**PUBLIC HEARING**

6. Introduction of an Ordinance Adding Section 5-1.28 through 5-1.32 to the Hayward Municipal Code to Authorize Collection of Delinquent Garbage Bills by Placement on the County Tax Rolls

Staff report submitted by Deputy Director of Public Works Ameri, dated February 16, 2010, was filed.

Director of Public Works Bauman presented a synopsis of the report and noted that Council was in receipt of a letter from the Rental Housing Owners of Southern Alameda County, which expressed concern about applying a process that would collect from property owners' assessments that were not paid by tenants. Mr. Bauman stated that Hayward's Municipal Code has a requirement that the person responsible for the residential garbage collection is the property owner. Mr. Bauman added that property owners who do not have the ability to collect from former tenants will not be held responsible for delinquent bills.

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Public Works Director Bauman confirmed for Council Member Dowling that Waste Management of Alameda County (WMAC) has a system that bills the initiator of the service. Mr. Bauman added that staff worked with WMAC to send the notices to property owners. Mr. Bauman said it is the responsibility of property owners to communicate with current tenants regarding any delinquent garbage bills. In response to Mr. Dowling's question regarding unpaid water bills, Mr. Bauman noted that there is a legal process for collection of unpaid bills and the City does not allow WMAC to stop garbage collection for residential dwellings that have unpaid bills. Mr. Bauman stated the notices that were sent to every property owner in Hayward clearly makes it known that they are responsible.

In response to Council Member Zermeno's inquiry if other cities have programs similar to the proposed Ordinance and how Rental Housing Owners Association (RHOA) are handling the issue, Public Works Director Bauman noted that other cities have the similar process as the proposed, with the exception of the City of Oakland, where the City pays WMAC for delinquent accounts and tries to recover costs themselves.

Council Member Halliday asked for a response regarding an email that questioned if the Ordinance was establishing a new tax that would be prohibited without voter approval under State law. City Attorney Lawson stated that the report and recommendation are consistent with California Constitution and Proposition 218. Ms. Halliday inquired if steps are being taken to ensure that both property owners and tenants will be notified. Public Works Director Bauman responded that notices went out to all property owners informing them that they are responsible for delinquent bills, and in the future, property owners will be notified when bills are overdue past 120 days.

Council Member Henson stated that an issue in the past has been how to notify the property owners at the correct address. Public Works Director Bauman responded that both the City and WMAC need to make sure the property owner's address is current and up to date with County records. Mr. Henson commented that the City has to ensure that notices go to the correct addresses.

Mayor Sweeney opened the public hearing at 7:30 p.m.

The following speakers opposed the proposed Ordinance for the following reasons: property owners felt it was unjust to go back to June 1, 2007 to collect delinquent bills when they were never notified of unpaid tenant bills; delinquent bills should not go on property taxes; WMAC is a private corporation that should be accountable for mismanagement of billing practices; the Ordinance will force landlords to increase rent costs in order to manage tenants' garbage bills; and retroactive assessments, should be the responsibility of the person for whom the service is provided; and landlords should not have to pay for retroactive assessments.

Mr. Hussein Mehrizi, Tyrrell Avenue resident  
Ms. Marie Martin, Harris Road resident  
Mr. Faizal Nisar, Havana Avenue resident  
Mr. Randy Mustion, Valle Verde Court resident  
Mr. Hans Arian, Chicoin Avenue resident  
Mr. Suresh Patel, Willimet Way resident  
Ms. Mary Lens, Providence Way resident



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Mr. Alberto Lens, Providence Way resident  
Ms. Wynn Grcich, Industrial Parkway SW resident  
Mr. Albert Ramos, Andrea Street resident  
Mr. Rob Simpson, Grandview Avenue resident  
Mr. Francisco Abrantes, Alice Street resident  
Mr. Efrain Solis, Orchard Avenue resident  
Ms. Amy Rogers, Columbine Court resident  
Ms. Diana Arian, Chicoin Street resident

The landlords present asked whether WMAC has low-income programs to assist tenants that may have hardships paying garbage bills. The landlords noted that if they are going to be held responsible for future delinquent bills, WMAC should give them access to garbage tenant's accounts, provide them with tools to manage delinquent accounts; properly notify landlords of delinquent tenant bills or have the bills in the property owner's name.

Ms. Katherine Kirschvink, Tyrrell Avenue resident, spoke as a tenant whose owner had failed to pay the bill in the past and how the garbage does not get picked up. She asked what recourse tenants have.

Mayor Sweeney closed the public hearing at 8:16 p.m.

Public Works Director Bauman indicated that WMAC is in agreement with the City that property owners, whose former tenants did not pay garbage bills, will not be held responsible for those delinquent bills. Mr. Bauman stated that property owners, who received bills for former tenants, should contact WMAC to notify them. Mr. Bauman stated an option for some property owners with a single house is to include the cost of the garbage bill in the rent. Mr. Bauman stated that the charges prior to June 2007 should not be on the bill and WMAC should provide property owners with information regarding unpaid bills. Mr. Bauman said the City agrees to an appropriate legal process that allows for an administrative hearing process similar to other assessments for unpaid bills, and unlike other utilities, the City has written into the contract that WMAC cannot stop service for residential customers. Mr. Bauman noted that there will be improved communication between WMAC and landlords as it relates to delinquent tenant bills.

Mr. David Tucker, WMAC representative, stated that WMAC offers a low-income lifeline program in Hayward. Mr. Tucker indicated that if a building changes owners the new owner would not be assessed for any delinquent debt. Mr. Tucker noted that the program goes back only to June 2007 and expressed that previous policy prevented WMAC from notifying property owners about their tenant's delinquent debt. Mr. Tucker stated that if the resolution is approved, November 2010 is the earliest the debt would be on County tax rolls and 2011 the earliest WMAC would be able to collect.

Council Member Quirk stated that property owners are upset that they are learning about delinquent bills that are 2 ½ years old, and asked if there is a mechanism to notify them sooner. Mr. Tucker explained the process and timelines and said that the current process does not allow WMAC to contact

**DRAFT**

the property owner if the tenant is the person on record. Mr. Tucker was amenable to work with staff to develop a system capable of notifying the owner of record and collecting bad debt.

Council Member May inquired if WMAC identifies new customers as renters or owners. Mr. Tucker responded no, but was amenable to adding the question to the procedures. Ms. May asked why it took three years to get to this point and Mr. Tucker responded that WMAC brings up the bad debt issue every year and noted that the company writes off about \$1 million a year in bad debt for the City and added that WMAC can no longer continue to do this.

In response to Council Member Zermeño's inquiry related to WMAC's customer service, Mr. Tucker explained the process when someone calls WMAC. Public Works Director Bauman stated that the notification letter has a toll free phone number and there is a system in place that enables WMAC customer service representatives to look up those accounts that relate to the letters.

Council Member Henson asked if the landlord also receives a copy of the initial letter from WMAC regarding the mandatory garbage service when new tenants move into the property. Public Works Director Bauman pointed out that at least 50% of delinquent accounts are for owner occupied properties and stated it should be the responsibility of the property owner to inform tenants of their responsibility to set up garbage service. Mr. Henson concurred with Council Members May and Quirk's comments about the importance of communication.

Council Member Henson made a motion per staff's recommendation and Council Member Zermeño seconded it.

Council Member Dowling supported the motion on the floor stating that the City needs to work with the landlords to make sure they are aware of the Ordinance and highlighted the importance of making early contact with the property owner. Public Works Director Bauman confirmed for Mr. Dowling that WMAC pays the County for access to County records to make sure the City has the correct ownership information for mailing letters. Mr. Dowling stated that this is a public health and safety issue.

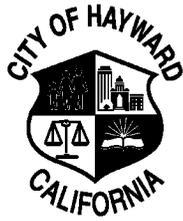
Mayor Sweeney stated that the question of how to notify property owners when there is a delinquent bill needs to be worked out and there needs to be expressed direction given to staff to solve that problem.

Council Member Halliday was reluctant to support the motion without having solutions to the concerns expressed.

Mayor Sweeney suggested amending the language of the resolution to authorize the City Manager to negotiate a contract with WMAC and have the agreement come back to the Council for final approval.

Council Member Halliday favored the recommended language to the resolution offered by Mayor Sweeney. Ms. Halliday spoke about the irresponsibility of some individuals who do not pay garbage bills and how this causes the City enormous problems by creating public health and safety issues.

Council Members Henson and Zermeño were amenable to the amendment offered by Mayor Sweeney.



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Council Member Henson clarified that the motion included Council Member May's suggestion that WMAC query the person upon initiation of garbage service whether he/she is a renter or owner. Council Member Zermeno concurred.

Council Member Quirk was pleased that the proposed Ordinance includes a section about notifying landlords of delinquent bills early in the process, but was not in agreement of going back to June 2007 to collect delinquent bills. Mr. Quirk was in agreement of going back six months. Mr. Quirk asked if the maker and the second would be willing to consider, as part of the contract negotiation, changing the length of time it goes back for non-owner occupied buildings.

Council Member May favored renegotiations with WMAC, but did not find it acceptable to go back three years or even six months. Ms. May noted that the landlords in attendance expressed their desire to take responsibility if they are notified. Ms. May said that as far as holding landlords accountable that should be started now and agreed that landlords should be responsible for pursuing current tenants with delinquent balances. Ms. May stated that she can only support the motion if the landlord accountability with current tenants is started as of now.

Council Member Henson said that the amendment to the motion included authorizing the City Manager to negotiate with WMAC about adjustments in time to the retroactive period before the final documents come back to Council.

Council Member Halliday stated she understood the language to pertain to only current tenants.

Council Member Dowling noted that it would be the property owner's responsibility if the current tenant is noncompliant.

Council Member Quirk spoke about a letter received from a property owner who was billed that has a \$3,000 bill from four delinquent tenant accounts. Mr. Quirk stated that he could not agree to going back 2 ½ years when the property owner had no idea there was a problem.

Council Member May stated that it was not fair that landlords are being notified now when there was three years to work on the problem.

Council Member Zermeno supported the motion with the reservation that the agreement with WMAC still has to come back to Council.

It was moved by Council Member Henson, seconded by Council Member Zermeno, and carried with the following roll call vote, to adopt with the following amendments: to add language to the resolution authorizing the City Manager to negotiate a contract with Waste Management of Alameda County and bring it back to Council for final approval; that staff bring back a solution to the delinquency problem;

to ensure that tenant/owner questions is resolved early on; and consider other issues that need to be resolved.

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

Introduction Ordinance 10-\_, “An Ordinance Amending Chapter 5, Article 1 of the Hayward Municipal Code Relating to Collection of Delinquent Charges for Solid Waste Collection and Disposal”

Resolution 10-012, “Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Franchise Agreement Between the City of Hayward and Waste Management of Alameda County for Solid Waste, Recyclable Materials and Organic Materials Regarding Collection of Delinquent Bills Through the Property Tax Rolls”

#### 7. Mid-Year Budget Review FY2010

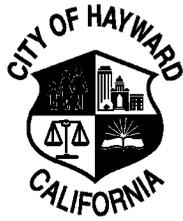
Staff report submitted by Director of Finance Auker, dated February 16, 2010, was filed.

Director of Finance Auker and Redevelopment Director Bartlett presented a synopsis of the report.

Council Member Halliday asked clarification about the \$800,000 that the Redevelopment Agency is paying back to the General Fund and Director of Finance Auker clarified that the dollar figure is presented twice in the expenditure budget and as a transfer out. Ms. Halliday inquired about the \$250,000 budget from the Redevelopment Agency for the Minor Home Repair Program. Redevelopment Director Bartlett explained this is a one-time cost that Redevelopment was proposing to use for outreach in the Mission Boulevard area. Ms. Bartlett explained that funds were also being set aside for a staff position in the Minor Home Repair Program.

Council Member Henson asked if there are sufficient funds for the South Hayward BART/ Montana-Witteck project, and other projects. Redevelopment Director Bartlett said that there are enough affordable housing funds available to meet the commitments to the affordable housing part of that project. City Manager Jones stated that staff is working with developers to find alternative ways to finance other portions of the project. Mr. Henson mentioned the potential purchaser for General Growth Partners (owners of Southland Mall), and asked staff to stay on top on this. Mr. Jones addressed Mr. Henson saying that the City’s economic development efforts have not stopped despite the current economic situation

Redevelopment Director Bartlett confirmed for Council Member Zermeño that the South Hayward BART Affordable Housing Project is still on track. In response to Mr. Zermeño’s question related to



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the Hotel Conference Center, Assistant City Manager David noted that it has been budgeted for a couple of years and the City has a commitment from the Hyatt Hotel to go forward, but the economy has stalled the project. Mr. Zermeño thanked staff for aggressively pursuing stimulus monies and sent a message to the public to shop locally.

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

It was moved by Council Member/RA Zermeño, seconded by Council/RA Member Halliday, and unanimously carried, to adopt the following:

Resolution 10-013, "Resolution Amending Resolution 09-082, As Amended, the Budget Resolution for the City of Hayward Operating Budget for Fiscal Year 2010, Relating to an Appropriation of Funds"

RA Resolution 10-02, "Resolution Amending Resolution RA 09-16, As Amended, The Redevelopment Budget Resolution for Fiscal Year 2010, Relating to an Appropriation of Funds from the Redevelopment Agency's Funds 451 and 452, for SERAF Payment, and Fund 455"

8. Adoption of Priorities and Policy Objectives for CY 2010

Staff report submitted by City Manager Jones, dated February 16, 2010, was filed.

City Manager Jones presented a synopsis of the report.

In response to Council Member Dowling's inquiry related to the Census and the annexation areas as part of the list of priorities, City Manager Jones noted that Census participation should be included under Fiscal Stability and that staff is looking for clarification from Council regarding annexation in commercial areas. Mr. Dowling stated that the County will be very resistant to annexation of any more commercial areas.

Council Member Zermeño inquired how difficult it would be to move a priority from this year to a future year. City Manager Jones stated that would be Council's prerogative.

Mr. Zermeño requested that the "Academic Excellence" be changed to "Excellence in Education," because he believes that education should be part of Council's priorities.

Council Member Quirk suggested that discussion of Council's priorities do not include medical marijuana, but that it be left as a second item to discuss. Mr. Quirk concurred with Council Member Dowling that while the Council did not object to annexing the commercial areas, Council did not think it would be fruitful. Mr. Quirk said there was consensus among the Council Members who worked with the Rental Home Owners about changing the inspection program, but it would not be a good idea

when there is a legal suit pending. Mr. Quirk stated that the issue before Council is not to decide whether to have medical marijuana dispensaries in Hayward, but whether to have staff study the issue. He spoke about studies from different cities by the Americans for Safe Access, which state that with proper regulation the dispensaries do not cause problems. He added that another issue was the homelessness issue in Hayward and suggested working with the non-profits agencies.

Mayor Sweeney indicated that there would be two motions: one that would include all priorities with the exception of medical marijuana; and the second would be the study of medical marijuana.

Council Member Henson concurred with 99% of the priorities. Mr. Henson favored the homeless issue to remain a priority. Mr. Henson asked City Manager Jones how much staff time it would take to study medical marijuana. City Manager Jones estimated 4 to 6 months before staff could come back to Council with a solid report. Mr. Jones stated that staff is concerned about how much time has been spent in the past with no end result. Mr. Henson inquired that if medical marijuana were not a Council priority, could the issue be studied and reconciled. Mr. Jones stated staff is looking for clarity from a policy perspective.

Mayor Sweeney opened the public hearing at 9:40 p.m.

Ms. Sara Lamnin, Sebastopol Lane resident and Director of Hayward Community Action Network, spoke in favor of keeping the homeless issue on the list of Council CY 2010 priorities. Ms. Lamnin spoke about the need for a center for the homeless to provide them with a mailing address and a place to shower.

Mr. Robert Goodwill, Gadin Road resident spoke in favor of keeping the homeless issue on the list of Council's priorities.

The following speakers opposed having medical marijuana dispensaries as a Council priority for the following reasons: a dispensary would strain the City's already limited resources; medical marijuana dispensaries will make it easier for marijuana to end up in the hands of children and would attract gangs; a dispensary would place a strain on the already limited resources of the Police Department; marijuana may be legalized in California without the City having to spend local resources; distributing marijuana is a violation of Federal law; a dispensary would jeopardize the safety of local businesses; there are already 33 East Bay medical marijuana dispensaries including two in unincorporated Hayward; a dispensary would be a detriment to the downtown neighborhood and businesses; having a dispensary would impact the quality of life for Hayward residents; the number of crimes committed at former Hayward dispensaries; the potential drain on services that Hayward residents voted to protect with Measure A; and a dispensary would deteriorate the image and reputation of the City.

Mr. Chuck Horner, Lyford Street resident

Mr. Brian Schott, Morse Court resident and Executive Director of the Chamber of Commerce

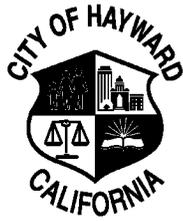
Ms. Katherine Kirschvink, Tyrell Avenue resident

Ms. Monica Schultz, Merritt Lane resident

Mr. David Jorgensen, Thornwall Lane resident

Mr. William Deplitch, HPD officer

Mr. Mike Sorensen, HPD officer



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Mr. Mark Ormsby, HPD officer  
Mr. Dan Olsen, HPD officer and representing HPOA  
Ms. Carolyn Travels, Memorial Way resident  
Ms. Linda Bennett, Hayward P.O. Box  
Mr. Don Bosco Hu, Bridgecreek Way resident and Chabot College student  
Mr. Chris Thnay, Bridgecreek Way resident  
Ms. DeeDee Ligibel, Mesa Circle resident and Grand Terrace Homeowner Association President  
Mr. Doug Ligibel, Grand Terrace resident

The following speakers favored having medical marijuana on the list of Council's priorities for the following reasons: there is need to legalize dispensaries; patients cannot obtain medical marijuana from conventional medical facilities; patients are discriminated against when they go to illegitimate places; the sale of medicinal marijuana could help bring revenue into the City; there is five years worth of supporting medical marijuana research; strict regulations and current model dispensaries would mitigate concerns; crime diminishes in areas where dispensaries are located because of the security presence; disallowance will promote unregulated and untaxed sale throughout the City; it is illegal and immoral to discriminate against legitimate patients; crime is higher in other areas; a majority of Hayward voters supported the legalization of medical marijuana; and it is about compassionate care for medical marijuana patients.

Ms. Nancie Janiak, E. Street resident  
Ms. Adele Bozzi, San Leandro resident and medical cannabis business owner on E. Lewelling Blvd  
Mr. Tom Lemos, Thomas Avenue resident and former medical cannabis business owner  
Mr. Daniel Berkes, Thomas Avenue resident  
Ms. Denise Martellacci, Panitz Street resident  
Mr. Wynn Grcich, Industrial Parkway SW resident  
Mr. Robert E. Shirley, B Street resident  
Mr. Steve Murtaugh, Oakes Drive resident  
Mr. Dale Gieringer, Oakland resident and Oakland Cannabis Committee Policy member  
Mr. Steve Worley, B Street business owner  
Mr. John Norton, Highland Boulevard resident and Cal State University East Bay student  
Ms. Melanie Thamas, Mission Boulevard business address  
Mr. Rob Simpson, Grandview Avenue resident  
Mr. Daniel Herrera, Main Street resident

Mayor Sweeney closed the public hearing at 11:01 p.m.

Council Member Quirk made the first motion, which included the adoption of all Council's priorities for current year 2010, with the exception of medical marijuana. In reference to the issue of homelessness as a priority, Mr. Quirk favored the City helping the non-profits and mentioned that there would not be a lot of general funds spent on this. He stated that the City could help the agencies with applications for resources. Mr. Quirk noted that Sara Lammn, Director of Community Action

Network has discussed homelessness with the Salvation Army and they are willing to work with CAN to develop on a center where the homeless can maintain a mailing address and have a place to shower.

Council Members Zermeño and Dowling seconded the motion to adopt the priorities as presented with the exception of medical marijuana and with the language suggested by Council Member Quirk in reference to the homeless issue.

Council Member Quirk concurred with Council Member Dowling to add the Census under Fiscal Stability. Mr. Dowling inquired about the possible evaluation of potential annexation areas. Mr. Quirk spoke about addressing the annexation issue at the same time as medical marijuana is discussed.

It was moved by Council Member Quirk, seconded by Council Members Zermeño and Dowling, and unanimously carried, to adopt the following approving all priorities with the exception of medical marijuana. The list of priorities included a recommendation, under the homeless issue, to help non-profit organizations by helping them with applications for resources, e.g., a center where people could maintain a mailing address and have a place to shower. The priorities also included the Census under Fiscal Stability.

Resolution 10-014, “A Resolution of the City Council of the City of  
Hayward Approving and Adopting the City Council Priorities and  
Policy Objectives for Calendar Year (CY) 2010”

Council Member Quirk mentioned that medical marijuana is being studied in Europe, which includes developing dispensing systems that have far less side effects than smoking. Mr. Quirk expressed concern that this is the fourth time Council has discussed the issue of medical marijuana. Mr. Quirk noted successful regulated dispensaries in other cities and about Tom Lemos’ dispensary being a successful dispensary in Hayward until it was closed down for being located in downtown. Mr. Quirk urged Council to study medical marijuana stating that prohibition does not work.

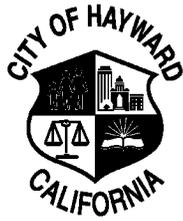
Council Member Quirk offered a motion that City staff study medical marijuana and to come back to Council with a set of regulations and study what has worked in other city by November 2010. Mr. Quirk stated a deadline of June 2011 for staff to present a report and draft ordinance to Council.

Council Member Quirk’s motion to add medicinal marijuana to the list of City Council Priorities and Policy Objectives for Calendar Year 2010 died for lack of second.

Mayor Sweeney asked for Police Chief Ace’s perspective on the issue.

Chief Ace mentioned that he will do as directed, but if he is asked to add medical marijuana dispensaries to the Police Department’s Strategic Plan, he will have to stop other priorities such as Gang Injunction as his Department will not be able to achieve all the priorities.

Council Member Zermeño made a motion that Council postpone the medical marijuana issue for one year. Mr. Zermeño supported the medical use of medical marijuana and that the medical factor has been lost in all the discussion. Mr. Zermeño said the dispensaries should be located in medical facilities.



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Mr. Zermeño spoke about the many topics that the City staff is dealing with at present. He invited medical marijuana proponents to work with City staff.

Council Member Zermeno's motion to postpone medical marijuana for one year, died for lack of a second.

Council Member Halliday commended Council Member Quirk for his advocacy and strong position. Ms. Halliday recognized tax-paying citizens who deserve a safe place to be able to purchase medical marijuana. Ms. Halliday mentioned that the medical community has not stepped up on this issue and efforts should be directed in that direction. Ms. Halliday stated that medical marijuana is not a priority given the current economy and because there are other areas that need more attention. Ms. Halliday noted that efforts should be joined within the medical community, the State, and the Federal Government in moving towards regulating medical marijuana. Ms. Halliday did not think that medical marijuana should be a priority for the City this year.

Council Member Henson supported the medicinal use of cannabis and shared a personal experience that gave him the opportunity to see the successful use of prescribed cannabis. However, Mr. Henson stated that City's priorities need to be under Fiscal Stability, getting gangs under control and doing what is necessary to generate revenue. Mr. Henson stated that currently the City cannot afford to spend staff time to study medical marijuana. Mr. Henson mentioned the successful passage of Proposition 215, which indicates that the citizens of Hayward want something done in reference to medical marijuana, but unfortunately, the City cannot add medical marijuana to the list of priorities this year.

Council Member May was in favor of exploring potential annexation areas and inquired about annexing areas where pot clubs exist in unincorporated Hayward. City Manager Jones stated that this would need to be explored.

Council Member Dowling spoke about medical marijuana cooperatives and how they are supposed to be a non-profit venture, which Proposition 215 allows. Mr. Dowling stated that there are many issues about medical marijuana that should be dealt with at the County level. He did not think that legalizing medical marijuana would mitigate problems associated with dispensaries. Mr. Dowling was glad that Council listened to Police Chief Ace and the officers in attendance. Mr. Dowling noted that Fiscal Stability and Crime/Public Safety need to be the City's top priorities.

Mayor Sweeney stated that Council's priorities are addressed each year and noted that there were two motions that failed for lack of second and, as is customary, there will be another opportunity to address the issue of medical marijuana next year. In response to Council Member Zermeño, Mr. Sweeney confirmed that homelessness and annexation area evaluations were part of the priorities approved for CY 2010.

9. Adoption of Interim Moratorium Ordinance and Resolution Prohibiting the Establishment of Medical Marijuana Dispensaries within the City of Hayward

Staff report submitted by City Manager Jones, dated February 16, 2010, was filed.

Mayor Sweeney noted that since medical marijuana was not added to Council's priority list for 2010, this item did not require action. City Attorney Lawson concurred.

**COUNCIL REPORTS**

Council Member Zermeño announced that he gave a piñata-making presentation to Hayward students.

Council Member Halliday noted that she received concerns from Fairway Park residents regarding litter that could be related to the new Sonic Burger Drive-In. Ms. Halliday inquired about a resolution in support of the League's initiative to protect local revenues. City Manager Jones noted that the item will be presented before Council at a future meeting. Ms. Halliday also reported that the traffic arrow signal light at the intersection of Foothill Boulevard and Jackson Street is not working properly.

**ADJOURNMENT**

Mayor/Chair Sweeney adjourned the meeting at 11:42 p.m.

**APPROVED:**

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Michael Sweeney, Mayor, City of Hayward  
Chair, Redevelopment Agency

**ATTEST:**

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Miriam Lens, City Clerk, City of Hayward  
Secretary, Redevelopment Agency