



# City of Oakland Meeting Minutes

Office of the City Clerk  
Oakland City Hall  
1 Frank H. Ogawa Plaza  
Oakland, California 94612  
LaTonda Simmons, City Clerk

## \*Rules & Legislation Committee

**Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California, 94612**

**City of Oakland Website: <http://www.oaklandnet.com>**

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**Thursday, July 08, 2010**

**10:45 AM**

**City Council Chambers - 3rd Floor**

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### Roll Call / Call to Order

Present: Member Quan, Member Reid, Chair Brunner and Member De La Fuente

*The Oakland City Council Rules and Legislation Committee convened at 11:00 a.m., with Council President Brunner presiding as Chairperson.*

1 **Closed Session**

**A motion was made by Member De La Fuente, seconded by Member Reid, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

2 **Approval of the Draft Minutes from the Committee meeting of June 17, 2010.**

**A motion was made by Member Reid, seconded by Member Quan, to \*Approve the Minutes. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

3 **Determination of Schedule of Outstanding Committee Items**

**A motion was made by Member Quan, seconded by Member Reid, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

4 **Scheduling of Agenda Items and revisions to the agenda(s) for the Council Committee meeting(s) July 13, 2010 (SUPPLEMENTAL)**

**A motion was made by Member Reid, seconded by Member Quan, to \*Approve as Submitted. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

[708item4](#)

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S-4-1      Subject:     Just Cause For Eviction Ordinance  
From:        Office Of The City Attorney  
Recommendation: Adopt A Resolution Submitting Amendments to the Just Cause for Eviction Ordinance, On The City Council's Own Motion, To The Electors At The November 2, 2010 Statewide General Election, To Clarify the Original Intent of that Ordinance Regarding Vacating Tenants From Nonconforming (Illegal) Rental Units and Adding Additional Requirements Thereto, To Set Out the Rent Board's Existing Implied Regulatory Authority into the Ordinance, and To Expand the City Council's Authority to Revise the Ordinance in the Event Any Provision is Prospectively Found Invalid by a Court or Is Affected by State Law; Consolidating The Election With The Statewide General Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 2, 2010, Statewide General Election  
[09-1631](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency/  
City Council on 7/20/2010**

*The following individuals spoke on this item:*

- Sanjiv Handa

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S-4-2      Subject:     Ballot Measure 2010 - Measure Y Funding  
From:        Vice Mayor Quan  
Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At The November 2, 2010 Statewide General Election, A Proposed Ordinance Amending Measure Y, The "Violence Prevention And Public Safety Act Of 2004", Which Established A Special Parcel And Parking Tax Funding Police Services, Fire Services And Violence Prevention Programs To, Among Other Things, Clarify That The City May Collect The Tax Whether Or Not It Appropriates Non-Measure Y Funds To Maintain Staffing At Fiscal Year 2003-2004 Levels; Consolidating The Election With The Statewide General Election; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The November 2, 2010, Statewide General Election  
[09-1600](#)

**Scheduled to Special Concurrent Meeting of the Oakland Redevelopment  
Agency/City Council on 7/22/2010**

*The following individual spoke on this item:*

- Sanjiv Handa

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S-4-3      Subject:    League Of California Cities Delegate  
From:        Council President Brunner  
Recommendation: Adopt A Resolution Appointing Councilmember Jean Quan As Voting Delegate And Councilmember Larry Reid As Alternate Delegate For The League Of California Cities 2010 Annual Conference  
[09-1624](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/20/2010**

*The following individual spoke on this item:*

- *Sanjiv Handa*  
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S-4-4      Subject:    Special Meetings -Ballot Measures  
From:        Council President Brunner  
Recommendation: A Request To Schedule Special Meetings To Discuss Potential Ballot Measures For The November 2, 2010 Election. Special Meetings To Be Held On:  
·    Thursday July 22nd At 5:30pm  
·    Monday July 26th At 4pm  
·    Tuesday July 27th At 9am  
[09-1630](#)

**Scheduled to Special Concurrent Meeting of the Oakland Redevelopment Agency/City Council on 7/22/2010**

*Additional Special Meeting Dates are July 26th at 4pm and July 27th at 9am*

*The following individual spoke on this item:*

- *Sanjiv Handa*

S-4-5      Subject:    Alcohol Mitigation Fee  
From:        Councilmember Kaplan  
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion, To The Electors At The November 2nd 2010 Election, A Measure To To Establish A New Alcohol Mitigation Fee; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Law And Authorizing Certain Other Election Activities; On The July 20, 2010 City Council Agenda  
[09-1632](#)

**\*Withdrawn with No New Date**

S-4-6      Subject:      Kaplan's Pay-Go Funds for Youth Healing Retreat  
From:          Councilmember Kaplan  
Recommendation: Adopt A Resolution Authorizing A Grant Of \$500.00 From Councilmember Kaplan's Pay-Go Funds To Skyline High School Titans Football Team For Travel Expenses To Oakland Feather River Camp For A Youth Healing Retreat  
[09-1633](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency / City Council on 7/20/2010**

*The following individual spoke on this item:*

- Sanjiv Handa
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S-4-7      Subject:      Pension Reform Ballot Measure  
From:          Councilmember Kaplan  
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion, To The Electors At The November 2, 2010 Election, A Measure Amending Article IX Of The Oakland City Charter Relating To Sworn Personnel Pensions To Enact Pension Reform. Measure To Require Employees Pay Employee Share Of Pension Contribution, Providing That Future Increases In Pension Must Be Approved By Voters, Exempt Pensions From Binding Arbitration Provision; Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accordance With The Law And Authorizing Certain Other Election Activities; And Directing Staff To Conduct Any Necessary Negotiations In Furtherance Of This Resolution; On The July 15, 2010 Rules And Legislation Committee Agenda and The July 20, 2010 City Council Agenda  
[09-1634](#)

**\*Withdrawn with No New Date**

*The following individual spoke on this item:*

- Sanjiv Handa

S-4-8      Subject:    West Oakland Redevelopment Plan Eminent Domain Property Acquisition  
From:        Community And Economic Development Agency  
Recommendation: Adopt The Following Pieces Of Legislation:

1) An Agency Resolution Approving And Recommending Adoption Of A First Amendment To The West Oakland Redevelopment Plan To Modify The Authority Of The Agency To Acquire Property In The Clawson/McClymonds/Bunche Subarea Through Eminent Domain; And  
[09-1628](#)

**Scheduled to \*Community & Economic Development Committee on 7/27/2010**

*As a Public Hearing on September 7, 2010.*

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S-4-9      Subject:    Feasibility Determination for the Ninth Avenue Terminal  
From:        Community and Economic Development Committee Agenda  
Recommendation: Adopt A Resolution Regarding a Feasibility Determination For The Ninth Avenue Terminal Partners' Proposal To Create A Vintners Hall In The Ninth Avenue Terminal Pursuant To Conditions Of Approval 25C Adopted For The Oak To Ninth Project  
[09-1629](#)

**Scheduled to \*Community & Economic Development Committee on 7/27/2010**

*The following individual spoke on this item:*

*- Sanjiv Handa*

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**Request submitted on the dias**

# Subject: Central Estuary Specific Plan - Zoning Amendment  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution To Adopt A Preferred Land Use Alternative For The Central Estuary Specific Plan Or Other Appropriate Zoning Amendment And To Have That Preferred Alternative Reviewed Under The California Environmental Quality Act. The Preferred Alternative Includes: (1) West Subarea: Mixed-Use Infill, Strengthening Of The Existing Specialty Food Producing Industrial Area; (2) Central West Subarea: Preservation Of The Existing Neighborhood Including Live/Work Uses; (3) Central East Subarea: No Change From Existing Conditions At The Owens Brockway Site And Retail/Commercial Use Between High Street And (The New Alignment For) 42nd Street; And (4) East Subarea: Commercial-Industrial Mix, Similar To The Existing CIX-1 Zone, In The Area At The Tip Of Tidewater, Adjacent To Martin Luther King Jr. Regional Shoreline Park, With Research And Development (R&D) Uses To The North And West.  
[09-1045-1](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /  
City Council on 7/20/2010**  
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#2 Subject: Amicus Brief - Challenging SB 1071  
From: Council President Brunner  
Recommendation: Adopt A Resolution Authorizing The City Attorney, On Behalf Of The City Of Oakland, To Join In An Amicus (Friend Of The Court) Brief In The United States District Court Case Of Friendly House, et al., V. Michael B. Whiting, et al. (Case No. CV 10-1061-PHX-JWS), Asking The Court To Grant The Plaintiffs' Motion For A Preliminary Injunction To Prevent The Implementation Of Arizona Senate Bill 1070, Which Among Other Things Authorizes The Police "When Practicable" To Detain People They "Reasonably Suspect" Are In The United States Illegally  
[09-1635](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /  
City Council on 7/20/2010**  
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#3 Subject: Port Liaison Committee Appointment  
From: Council President Brunner  
Recommendation: Adopt A Resolution Appointing Councilmember Desley Brooks To The City - Port Liaison Committee To Serve In The Seat From Which Council Member Kernighan Resigned  
[09-1637](#)

**Scheduled to Concurrent Meeting of the Oakland Redevelopment Agency /  
City Council on 7/20/2010**  
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#4 3) A Resolution Submitting On The Council's Own Motion To The Voters At The November 2, 2010 Statewide General Election, Not Less Than 88 Days And Not More Than 150 Days From Passage Of This Resolution, A Proposed Ordinance Modifying The Business Tax, Chapter 5.04 Of The Oakland Municipal Code Adding Section 5.04.481 Creating A New "Cultivation, Processing And Other Cannabis Related Activities" Business Classification With A Business Tax Rate Of Up To \$80 Per \$1,000 Of Gross Receipts And Amending Chapter 5.04 Of The Oakland Municipal Code, Section 5.04.480 Deleting Provisions Relating To Cannabis Cultivation And Other Related Activities; Adding Section 5.04.482 Creating A New "Adult Use Cannabis Related Activities" Business Classification (To Cover Any Cannabis Business Other Than Medical), With A Tax Rate Of Up To \$120 Per \$1000 Of Gross Receipts; Adding Section 5.04.483 To Create A "Medical Cannabis Dispensary And Related Activities" Business Classification (To Cover Retail Medical Cannabis Facilities) With A Tax Rate Of Up To \$40 Per \$1000 Of Gross Receipts; Or Alternatively  
[09-1649.2](#)

**\*Rescheduled to \*Rules & Legislation Committee on 7/15/2010**

**Roll Call:** Present: Member Quan, Member Reid, Chair Brunner and Member De La Fuente

#5 Subject: Measure Amending City Charter  
From: Councilmember De La Fuente  
Recommendation: Adopt A Resolution Submitting On The Council's Own Motion To Be Voted Upon At The Municipal General Election To Be Held On November 2, 2010, A Proposed Charter Amendment, Entitled "Measure Amending City Charter Sections And Adding Section , Declaring It To Be Official City Policy That No New Funding Set-Asides Or Other Mandatory Appropriations Be Added To The City Charter Unless The Measure Also Provides The Required Specific And Adequate New Source Of Funds; On The July 22, 2010 City Council Agenda  
[09-1657](#)

**Scheduled to \*Rules & Legislation Committee on 7/22/2010**

5 A review of the Agendas for the Concurrent Meeting of ORA/City Council for the meeting July 20, 2010 and Rules and Legislation Committee for July 22, 2010.  
**A motion was made by Member Reid, seconded by Member De La Fuente, to \*Approve as Submitted. The motion carried by the following vote:**  
**Votes:** Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente  
*The following individual spoke on this item:*  
- Sanjiv Handa

[708item5](#)

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6 Subject: Opposition To Senate Bill 974  
From: Community And Economic Development Agency  
Recommendation: Adopt A Resolution In Opposition To Senate Bill 974 (D. Stienberg)  
Amending The Enterprise Zone Program  
[09-1594](#)

**A motion was made by Member Quan, seconded by Member De La Fuente, that this matter be \*Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on July 20, 2010 as a Consent Calendar item. The motion carried by the following vote:**

**Votes:** Aye; 4 - Member Quan, Member Reid, Chair Brunner and Member De La Fuente

*The following individual spoke on this item:*

- Sanjiv Handa

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7 Subject: The Limited Public Financing Act - Amendments  
From: Public Ethics Commission  
Recommendation: Adopt An Ordinance Amending Chapter 3.13 Of The Oakland Municipal Code (Aka "The Limited Public Financing Act Of The City Of Oakland") To 1) Limit Eligibility To Candidates For District City Council; 2) Provide That Public Financing Be Limited To The Reimbursement Of Specified Campaign Expenditures; 3) Limit Candidates From Making Contributions Or Loans From Personal Funds To Ten Percent Of The Voluntary Expenditure Ceiling; 4) Require Candidates To Raise In Local Contributions An Amount Equal To Three Percent Of The Voluntary Expenditure Ceiling; 5) Permit Candidates To Appeal To The Public Ethics Commission Any Request For Reimbursement; And 6) Require Candidates To Repay The Election Campaign Fund From Any Surplus Campaign Funds In An Amount Not To Exceed The Percentage That Public Financing Represents Of Total Contributions Received  
[09-1500](#)

**A motion was made by Member Quan, seconded by Member Reid, that this matter be \*Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on July 20, 2010 as a Consent Calendar item. The motion carried by the following vote:**

**Votes:** No; 1 - Member De La Fuente

Aye; 3 - Member Quan, Member Reid and Chair Brunner

*The following individual spoke on this item:*

- Ralph Kanz

- Sanjiv Handa

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8 Subject: Support Of Assembly Bill 1532  
 From: Councilmember Desley Brooks  
 Recommendation: Adopt A Resolution In Support Of Amended Assembly Bill 1532 Authored By Assembly Member Lieu, Which Adds A Separate Section To The Existing California Penal Code's Definition Of A Code Enforcement Officer, By Establishing A Free-Standing Definition For Code Enforcement Officers That Can Be Used By Any Local Jurisdiction In Their Application For Code Enforcement Funding  
[09-1576](#)

**A motion was made by Member De La Fuente, seconded by Member Reid, that this matter be \*Approve the Recommendation of Staff, and Forward to the Concurrent Meeting of the Oakland Redevelopment Agency / City Council, due back on July 20, 2010 as a Consent Calendar item The motion carried by the following vote:**

**Votes:** Abstained; 1 - Chair Brunner  
 Aye; 3 - Member Quan, Member Reid and Member De La Fuente  
*The following individual spoke on this item:*  
 - Sanjiv Handa  
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**OPEN FORUM (TOTAL TIME AVAILABLE: 15 MINUTES)**

*The following individual spoke under Open Forum:*  
 - Sanjiv Handa

**Adjournment**

*There being no further business, and upon the motion duly made, the Oakland City Council Rules and Legislation Committee adjourned the meeting at 12:20 p.m.*

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*City Clerk and Clerk of the Council*