



**City of Oakland
Meeting Agenda**

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

***Special Concurrent Meeting of the Oakland
Redevelopment Agency/City Council**

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

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

Monday, July 26, 2010

4:00 PM

City Council Chambers - 3rd Floor

- 1 Pledge of Allegiance

- 2 Roll Call / ORA & Council
 COUNCIL MEMBERS: Patricia Kernighan, Dist. 2; Nancy Nadel, Dist. 3; Jean Quan, Dist. 4; Ignacio De La Fuente, Dist. 5; Desley Brooks, Dist. 6; Larry Reid, Dist. 7; Rebecca Kaplan, At-Large, and President Jane Brunner, Dist. 1

- 3 Open Forum / Citizens Comments
 (Time Available: 15 minutes)

- 4 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, To Modify The Ordinance To Permit The City Council To Approve Rent Board Regulations, 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 (TITLE CHANGE)
[\(09-1631\)](#)

This item was continued from the Special City Council Meeting of July 22, 2010 to this agenda.

- 5 Subject: Tax Cannabis
 From: Councilmember Kaplan
 Recommendation: Adopt One Of The Following Pieces Of Legislation:

 1) A Resolution Submitting, On The Council's Own Motion, To The Voters At The November 2, 2010 Statewide General Election, A Proposed Ordinance Amending The City's Business Tax, Chapter 5.04 Of The Oakland Municipal Code, To Increase The

Business Tax Rate For Cannabis Businesses From \$18.00 Per \$1,000 Of Gross Receipts To [E.G., \$80.00 Or, \$100.00 Or \$112.00] Per \$1,000 Of Gross Receipts; Consolidating The Election With The Statewide General Election; Requesting The Services Of The Registrar Of Voters; 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; Or Alternatively,
[\(09-1649\)](#)

2) 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 \$ [For Example, \$80, \$100, \$120] 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; Directing The City Clerk To Fix The Date For Submission Of Arguments.And Provide For Notice And Publication In Accordance with The Novewiber 2, 2010 Statewide General Election; Or Alternatively
[\(09-1649-1\)](#)

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
[\(09-1649.2\)](#)

4) A Resolution Submitting, On The Council's Own Motion, To The Voters At The November 2, 2010 Statewide General Election, 1) A Proposed Ordinance Amending The City's Business Tax, Chapter 5.04 Of The Oakland Municipal Code, To Increase The Business Tax Rate For Cannabis Businesses And Medical Cannabis Businesses From \$18.00 Per \$1,000 Of Gross Receipts To \$50.00 Per \$1,000 Of Gross Receipts And 2) Creating A New "Non-Medical Cannabis Business Tax" Of \$100.00 Per \$1,000 Of Gross Receipts; Consolidating The Election With The Statewide General Election; Requesting The Services Of The Registrar Of Voters; 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
[\(09-1649-3\)](#)

This item was continued from the Special City Council Meeting of July 22, 2010 to this agenda.

- 6 Subject: Solid Waste Removal, New Water Users And Telephone Measure
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Submitting, On The Council's Own Motion, To The Electors At The November 2, 2010 Statewide General Election, A Proposed Ordinance Establishing A New Solid Waste Removal Users Tax And A New Water Users Tax Each Equal To 7.50% [Or (New Rate)] Of The Service Charges; [Reducing The Utility Users Tax Rate In Oakland Municipal Code Chapter 4.28, Sections 4.28.030, 4.28.040, 4.28.050, 4.28.060, And 4.28.070;] Amending Chapter 4.28 Of The Oakland Municipal Code, Telephone Utility Users Tax To Expand The Definition Of "Telephone Communication Services" To Include Modern Communications Technology Not Currently Taxed Without Increasing The Tax Rate; 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 [TITLE CHANGE] [\(09-1659\)](#)

This item was continued from the Special City Council Meeting of July 22, 2010 to this agenda.

- 7 Subject: Telephone Access Line Tax - Ballot Measure
From: Office Of City Attorney
Recommendation: Adopt A Resolution Submitting, On The Council's Own Motion, To The Electors At The November 2, 2010 Statewide General Election, A Proposed Ordinance Establishing A New Telephone Access Line Tax At A Rate Of \$1.99 Per Month Per "Access Line", And \$13 Per Month Per "Trunk Line"; 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 [\(09-1660\)](#)

This item was continued from the Special City Council Meeting of July 22, 2010 to this agenda.

- 8 Subject: Temporary Transactions And Use Tax - Ballot Measure
From: Office Of The City Attorney
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 Imposing A Temporary Transactions And Use Tax (Sales Tax) Of One-Quarter Of One Percent For Five Years With All Proceeds Placed In The City's General Fund; 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. [\(09-1661\)](#)

This item was continued from the Special City Council Meeting of July 22, 2010 to this agenda.

- 9 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)

This item was continued from the Special City Council Meeting of July 22, 2010 to this agenda.

- 10 Subject: Public Safety Temporary Residential Parcel Tax - Ballot Measure
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Submitting, On The City Council's Own Motion, To The Electors At The November 2, 2010 General Election, A Proposed Ordinance Establishing A Temporary Parcel Tax Solely To Assist The City In Preserving, Protecting And Enhancing "Vital Public Safety And Violence Prevention Services" 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 [TITLE CHANGE]

(09-1662)

This item was continued from the Special City Council Meeting of July 22, 2010 to this agenda.

Continuation of Open Forum

ADJOURNMENT OF COUNCIL SESSION

(Meeting shall conclude no later than 12:00 a.m., unless extended by Majority Vote of the Council)

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(TDD)

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(...)

**MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY
COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN
THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND
FLOOR, OAKLAND, CA 94612 FROM 8:30AM TO 5:00PM**

**LATONDA SIMMONS
Agency Secretary/City Clerk
and Clerk of the Council**

ORA - Oakland Redevelopment Agency
S - Supplemental Item