



**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

**\*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>**

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**Monday, July 26, 2010**

**4:00 PM**

**City Council Chambers - 3rd Floor**

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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

ORA\Councilmember Present: 8 - Councilmember Brooks, Councilmember Kaplan, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente

*The Concurrent Meeting of the Oakland Redevelopment Agency and City Council was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 4:42 p.m.*

3 Open Forum / Citizens Comments

(Time Available: 15 minutes)

*The following individuals spoke under open forum:*

- Sanjiv Handa
- David Mix
- Ariana Casanova
- Jeff Levin

*Agency/Councilmember Quan took a point of personal privilege and requested that the meeting be adjourned in memory of Olympia Nero.*

*Agency/Councilmember Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Coolidge Brown*

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](#)

**\*Withdrawn with No New Date**

*The following individuals spoke on this item:*

- David Mix
  - Sanjiv Handa
  - Steven Edrington
  - Dave Kadlecek
  - James Vann
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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](#)

**Not Adopted**

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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](#)

**Not Adopted**

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](#)

**Not Adopted**

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](#)

**A motion was made by Vice Mayor De La Fuente, seconded by Pro-Tem Reid, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Abstained: 3 - Councilmember Kaplan, Councilmember Nadel and Councilmember Quan  
ORA\Councilmember Ayes: 5 - Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Pro-Tem Reid and Vice Mayor De La Fuente  
[82949 CMS.pdf](#)

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](#)

**Not Adopted**  
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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](#)

**A motion was made by Councilmember Kaplan, seconded by Council  
President Brunner, that this matter be Adopted. The motion carried by  
the following vote:**

**Votes:** ORA\Councilmember Noes: 1 - Vice Mayor De La Fuente  
          ORA\Councilmember Ayes: 7 - Councilmember Kaplan, Councilmember  
          Brooks, Council President Brunner, Councilmember Kernighan,  
          Councilmember Nadel, Councilmember Quan and Pro-Tem Reid  
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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 matter was Not Adopted**

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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](#)

**A motion was made by Councilmember Kaplan, seconded by Pro-Tem Reid, that this matter be Adopted as Amended. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente  
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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](#)

**A motion was made by Councilmember Kernighan, seconded by Councilmember Quan, that this matter be Adopted as Amended. The motion carried by the following vote:**

**Votes:** ORA\Councilmember Ayes: 8 - Councilmember Kaplan, Councilmember Brooks, Council President Brunner, Councilmember Kernighan, Councilmember Nadel, Councilmember Quan, Pro-Tem Reid and Vice Mayor De La Fuente  
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**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)**

*There being no further business, and upon the motion duly made, the Agency/Council adjourned the meeting at 8:54 p.m.*

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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**

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*City Clerk and Clerk of the Council*