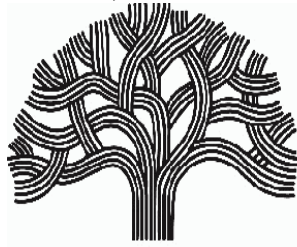


City of Oakland

*Office of the City Clerk
Oakland City Hall,
1 Frank H. Ogawa Plaza, Room 201
Oakland, California 94612*



CITY OF OAKLAND

Meeting Minutes - DRAFT

Tuesday, July 26, 2022

1:30 PM

Please See The Agenda To Participate In The Meeting

Virtual Tele- Conference Via Zoom

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

Pursuant to California Government Code Section 54953(e), the City Council has found that an imminent risk to the health of attendees due to the COVID-19 pandemic continues to exist. Therefore, all City Councilmembers will particulate in the meeting via phone/video conference without notice of their teleconference locations

PUBLIC PARTICIPATION

The public may observe and/or participate in this meeting many ways.

OBSERVE:

- To observe, the public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP - Channel 10
- To observe the meeting online from the City's Agenda Meeting Calendar, at the noticed meeting time, please click on <https://oakland.legistar.com/calendar.aspx> and click on the "In Progress" link under "Video" for the corresponding meeting.
- To observe the meeting by video conference, please click on this link:
<https://us02web.zoom.us/j/89870211355> at the noticed meeting time.
- To listen to the meeting by phone, please call the numbers below at the noticed meeting time: Dial (for higher quality, dial a number based on your current location):US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799 or 833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) Meeting ID: 898 7021 1355

If asked for a participant ID or code, press #.

COMMENT:

ALL PUBLIC COMMENT ON ACTION ITEMS WILL BE TAKEN AT THE BEGINNING OF THE MEETING UNDER ITEM 1. COMMENT FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN UNDER OPEN FORUM AT THE END OF THE MEETING

There are three ways to submit public comments.

- eComment. To send your comment directly to Council members and staff BEFORE the meeting starts please click on <https://oakland.legistar.com/calendar.aspx> and click on the "eComment" link for the corresponding meeting. Please note that eComment submission closes five (5) minutes before posted meeting time.
- To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on a eligible agenda item at the beginning of the meeting. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Instructions on how to "Raise Your Hand" is available at:
<https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.
- To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing "*9" to speak when Public Comment is taken. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Please unmute your self by pressing *6.

If you have any questions, please email the Agenda Management Unit at cityclerk@oaklandca.gov

- Office of the City Clerk

ROLL CALL / CITY COUNCIL

The Oakland Redevelopment Successor Agency/City Council convened at 1:33 P.M., with Council President Bas presiding as Chairperson.

The Roll Call was modified to note Councilmember Reid present at 1:34 P.M.

Present 8 - Sheng Thao, Loren Taylor, Nikki Fortunato Bas, Noel Gallo, Carroll Fife, Rebecca Kaplan, Dan Kalb, and Treva Reid

MODIFICATIONS TO THE AGENDA

Council President Bas modified the agenda by hearing item #2.8 "Honoring Terri McWilliams" before Public Comment

1 PUBLIC COMMENT: COMMENTS ON ALL ITEMS EXCEPT PUBLIC HEARINGS WILL BE TAKEN AT THIS TIME. COMMENTS FOR ITEMS NOT ON THE AGENDA WILL BE TAKEN DURING OPEN FORUM

The call of the que opened at 1:53 P.M. and closed at 2:08 P.M.

54 individuals spoke during Public Comment.

2 CONSENT CALENDAR (CC) ITEMS:

Approval of the Consent Agenda

A motion was made by Gallo, seconded by Taylor, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Thao, Taylor, Fortunato Bas, Gallo, Fife, Kaplan, Kalb, and Reid

NO VOTE: 0

- 2.1** Subject: Approving An Ordinance Amending The Salary Schedule
From: Human Resources Management Department
Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance
No. 12187 C.M.S. ("Salary Ordinance") To:
- (1) Provide Wage Increases For Employees Pursuant To The Memoranda Of Understanding Between The City Of Oakland And The Confidential Management Employee Association; The International Brotherhood Of Electrical Workers, Local 1245; The International Federation Of Professional And Technical Engineers, Local 21; The Service Employees International Union, Local 1021; And For Unrepresented Classifications CON, TL1, U51, US1, UG1, UP1, UK1, And UK2 As Follows: I) 5% Effective The First Full Pay Period After July 1, 2022; II) 2.5% Effective The First Full Pay Period After July 1, 2023; III) 2.5% Effective The First Full Pay Period After January 1, 2024; IV) 2% Effective The First Full Pay Period After July 1, 2024; V) 2% Effective The First Full Pay Period After March 1, 2025;
- (2) Provide Wage Increases For Employees Pursuant To The International Association Of Firefighters, Local 55; The Oakland Police Officers' Association; The Oakland Police Management Association; And For Unrepresented Units UN1, UR1 And UU1 As Follows: I) 3.5% Effective The First Full Pay Period After July 1, 2022; II) 3.5% Effective The First Full Pay Period After July 1, 2023; III) 3% Effective The First Full Pay Period After July 1, 2024; IV) 3% Effective The First Full Pay Period After July 1, 2025; And
- (3) Provide Special Equity Adjustments As Follows: I) Pursuant To The MOU Between The City Of Oakland And The Confidential Management Employee Association, 5% Wage Increase For Certain Classifications In Representation Unit U31 Effective The First Full Pay Period After October 1, 2022; II) Pursuant To The MOU Between The City Of Oakland And The International Federation Of Professional And Technical Engineers, Local 21, Up To 7.5% Wage Increase For Certain Classifications In Representation Units TA1, TW1, TM2, TW1, UH1, UM2, And UM1 Effective The First Full Pay Period After October 1, 2022 And Wage Increases To Align The Salaries Of Certain Classifications In Representation Units TW1 And UM2 Effective The First Full Pay Period After January 1, 2023; III) Pursuant To The MOU Between The City Of Oakland And The Service Employees International Union, Local 1021, 3% Wage Increase For Certain Classifications In Representation Units SC1, SD1 And SI1 Effective The First Full Pay Period After October 1, 2022; IV) 5% Wage Increase For Certain Classifications In Unrepresented Units UP1 And UK2 Effective The First Full Pay Period After October 1, 2022
- [22-0642](#)

Attachments: [View Report](#)
[View Legislation](#)
[13703 CMS](#)
[Proof Of Publication 13703 CMS](#)

This Ordinance was Approved for Final Passage.

A motion was made to approve the Consent Agenda. The motion carried by the following vote:

NO VOTE: 0

- 2.2** Subject: Special Events Ordinance Amendments
 From: Economic Workforce And Development Department
 Recommendation: Adopt An Ordinance Amending (1) Oakland Municipal Code Chapter 9.52 (The Special Events Permitting Ordinance) To Transfer Responsibilities From The Oakland Police Department (OPD) To Civilian Staff, Amend Security Protocols, Create Tiers For Differing Events, Streamline The Permit Review Process And Amend The Appeals Process And (2) Oakland Municipal Code Chapter 12.08 (The Encroachments Ordinance) To Align With The Changes To Chapter 9.52
[22-0485](#)

Attachments: [View Report](#)
 [View Legislation](#)
 [View Supplemental Report - 6/29/2022](#)
 [View Supplemental Legislation - 6/29/2022](#)
 [View Supplemental Report - Kaplan 7/14/2022](#)
 [View Supplemental Legislation - 7/14/2022](#)
 [View Supplemental Legislation - 7/21/2022](#)
 [13704 CMS](#)
 [Proof Of Publication 13704 CMS](#)

This Ordinance was Approved for Final Passage.

- 2.3** Subject: Consolidation Of The City Of Oakland's November 8, 2022 General Municipal Election
From: Office of The City Clerk
Recommendation: Adopt An Ordinance: 1) Calling And Giving Notice For The Holding Of A General Municipal Election On November 8, 2022 For The Purpose Of Submitting To The Electors Of The City Of Oakland Proposed Ballot Measures; 2) Requesting Consolidation Of The City Of Oakland General Municipal Election With The Statewide Election To Be Held In The City Of Oakland On November 8, 2022; And 3) Authorizing And Directing The City Clerk To Take All Actions Necessary For The Municipal Election In Accordance With Applicable Legal Requirements
[22-0626](#)

Attachments: [View Notice- 7/7/2022](#)
[View Legislation - 7/7/2022](#)
[View Supplemental Legislation 7/15/2022](#)
[View Supplemental Legislation 7/21/2022](#)
[13705 CMS](#)
[Proof Of Publication 13705 CMS](#)

This Ordinance was Approved for Final Passage.

A motion was made by Gallo, seconded by Taylor, to approve the Consent Agenda. The motion carried by the following vote:

NO VOTE: 0

- 2.4** Subject: Appointment To The Oakland Housing Authority Board
From: Office Of The Mayor
Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Anne E. Griffith, Lynette Jung Lee, Barbara Montgomery, And Mark J Tortorich To The Oakland Housing Authority Board
[22-0649](#)

Attachments: [View Report And Legislation](#)
[89368 CMS](#)

This City Resolution was Adopted.

- 2.5** Subject: Designating The League Of California Cities Delegate 2022
From: Council President Bas And Councilmember Kalb
Recommendation: Adopt A Resolution Designating Councilmember Dan Kalb As The City Of Oakland's Voting Delegate To Represent The City Of Oakland At The Annual League Of California Cities' 2022 Conference September 7-9, 2022 In Long Beach, And Authorizing Reimbursement For Necessary Expenses For Attendance At The 2022 Conference (Registration Fees, Hotel, Air Fare, And Per Diem) From The City Council Contingency Project Fund
[22-0650](#)

Attachments: [View Report](#)
[View Legislation](#)
[89369 CMS](#)

This City Resolution was Adopted.

- 2.6** Subject: Urging The California State Legislature To Defend Marriage Equality
From: President Pro Tem Thao And Vice Mayor Kaplan
Recommendation: Adopt A Resolution Urging The California State Legislature To Defend Marriage Equality By Putting A Measure To Rescind Article I Section 7.5 Of The State Constitution, Also Known As Proposition 8, Onto The Ballot
[22-0651](#)

Attachments: [View Legislation](#)
[89370 CMS](#)

This City Resolution was Adopted.

- 2.7** Subject; Resolution Recognizing The Religious Importance Of EID Holidays
From: President Pro Tempore Thao
Recommendation: Adopt A Resolution Recognizing The Religious Importance Of EID Holidays To Our Muslim Community And To The Whole City Of Oakland
[22-0652](#)

Attachments: [View Legislation](#)
[89371 CMS](#)

Vice Mayor Kaplan requested to be a coauthor.

This City Resolution was Adopted.

- 2.8** Subject: Honoring Terri McWilliams
 From: Councilmember Taylor
 Recommendation: Adopt A Resolution Honoring And Recognizing The Life And Activism
 Of Terri McWilliams, An Oakland Native, Who Was A Public Sector Leader And
 Community Organizer Who Held Leadership Positions In Several Organizations And Was
 An Advocate For Faith-Based Community Organizing To Achieve Racial, Economic And
 Social Justice For All Oaklanders
[22-0653](#)

Attachments: [View Legislation](#)
 [89372 CMS](#)

This City Resolution was Adopted.

- 2.9** Subject: Anne Kirkpatrick V. City Of Oakland
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To
 Compromise And Settle The Case Of Anne Kirkpatrick V. City Of Oakland, United States
 District Court Case No. 3:20-CV-05843 , City Attorney's File No. 34091, In The Amount
 Of One Million Five Hundred Thousand Dollars And Zero Cents (\$1,500,000.00) (Mayor
 And Police Commission - Wrongful Termination)
[22-0654](#)

Attachments: [View Report](#)
 [View Legislation](#)
 [89373 CMS](#)

**A motion was made by Noel Gallo, seconded by Loren Taylor, that this matter be
Adopted. The motion carried by the following vote:**

Abstained: 1 - Thao

Aye: 7 - Taylor, Fortunato Bas, Gallo, Fife, Kaplan, Kalb, and Reid

NO VOTE: 0

- 2.10** Subject: Nga Thi Thuy Le, Nina Nguyen V. City Of Oakland
From: Office Of The City Attorney
Recommendation: Adopt A Resolution Authorizing And Directing The City Attorney To Compromise And Settle Case Of Nga Thi Thuy Le, Nina Nguyen V. City Of Oakland, Nicole Monique Carden And Does 1 - 20, Inclusive, Alameda County Superior Court Case No. RG20072159, City Attorney File No. 33156 For A Total Sum Of Thirty Five Thousand Dollars And No Cents (\$35,000.00) (Department Of Transportation - Auto Accident)
[22-0655](#)

Attachments: [View Report](#)
[View Legislation](#)
[89374 CMS](#)

Vice Mayor Kaplan requested to be a coauthor.

This City Resolution was Adopted.

- 2.11** Subject: Resolution Urging Governor Newsom To Grant A Pardon To Phoeun You
From: Council President Bas
Recommendation: Adopt A Resolution Respectfully Urging Governor Newsom To Grant A Pardon To Phoeun You Which Would Allow Him To Remain In The United States And Urging U.S. Immigration And Customs Enforcement To Release Him From Custody
[22-0656](#)

Attachments: [View Report](#)
[View Legislation](#)
[89375 CMS](#)

This City Resolution was Adopted.

- 2.12** Subject: Resolution Awarding Grant Agreements
From: Council President Bas
Recommendation: Adopt A Resolution Awarding Grant Agreements To Community Service Providers For A Total Amount Not To Exceed Six Million Ninety-One Thousand Two Hundred Fifty (\$6,091,250) Dollars In Accordance With City Council Budget Appropriations And Allocations As Adopted By Resolution No. 89283 C.M.S. (Attached Hereto As Exhibit A), Which Amended The Fiscal Year 2022-23 Budget
[22-0657](#)

Attachments: [View Report](#)
[View Legislation](#)
[89376 CMS](#)

This City Resolution was Adopted.

3 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

- 3.1 Subject: Housing Element Annual Progress Report for Calendar Year 2021
From: Planning And Building Department
Recommendation: Conduct A Public Hearing And Upon Conclusion Receive An Informational Report On The City Of Oakland's Housing Element Annual Progress Report For Calendar Year 2021
[22-0515](#)

Attachments: [View Report](#)
[View Presentation](#)

A motion was made by Councilmember Taylor, seconded by Councilmember Reid to open the Public Hearing. The motion passed with a vote of 8 Ayes:

Upon the reading of Item 3.1 by the City Clerk, the Public Hearing was opened at 4:05 P.M.

9 individuals spoke on this item.

Councilmember Gallo made a motion, seconded by Councilmember Kalb, to receive and file the informational report and close the Public Hearing, and hearing no objections, the motion passed with a vote of 7 Ayes;; 1 Excused: Thao

Vice Mayor Kaplan requested that (1) staff follow up with explicit strategies to remedy incorporating affirmatively furthering fair housing, to include protections from displacement, tenant assistance, home owner foreclosure prevention, and home buyer assistance; (2) City Attorney, City Administrator collaboratively work with staff and lobbyist to follow up with the rules of the state funding allocation. (3) Staff continue to follow up on removing burdens on affordable housing production, to include lag times, excess parking requirements on affordable housing, to be reviewed as a policy basis; (4) Staff reinforce the importance of the use of public land, as a way to leverage affordable housing production and to also follow up on prior requests about supportive homeless transition housing and new housing construction.

The Public Hearing was closed at 5:23 P.M.

A motion was made by Noel Gallo, seconded by Dan Kalb, that this matter be Received and Filed. The motion carried by the following vote:

Excused: 1 - Thao

Aye: 7 - Taylor, Fortunato Bas, Gallo, Fife, Kaplan, Kalb, and Reid

NO VOTE: 0

ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

4 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION &
DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS

[22-0658](#)

Attachments: [View Report](#)

A motion was made by Noel Gallo, seconded by Nikki Fortunato Bas, that this matter be Accepted. The motion carried by the following vote:

Aye: 8 - Thao, Taylor, Fortunato Bas, Gallo, Fife, Kaplan, Kalb, and Reid

NO VOTE: 0

- 5 Subject: Amendment To The FY 22-23 Midcycle Adopted Policy Budget
From: Finance Department
Recommendation: Adopt A Resolution Amending The Fiscal Year 2022-2023 Midcycle Adopted Policy Budget Resolution Which Was Adopted At The City Council's Special Meeting On June 30, 2022
[22-0597](#)

Attachments: [View Legislation](#)

[View Report - Bas - 7/7/2022](#)

[View Exhibit 1 - Kaplan Budget Amendments](#)

[View Exhibit 1 - Bas Budget Amendments 7/7/2022](#)

[View Report - Kalb- 7/7/2022](#)

[View Supplemental Report - DOT Kaplan Response 7/21/2022](#)

[View Supplemental Report - 7/22/2022](#)

[View Supplemental Spreadsheet - 7/22/2022](#)

[89377 CMS](#)

A motion was made by Vice Mayor Kaplan, seconded by President Bas to adopt as amended with additional policy directives. The motion passed with a vote of 8 Ayes:.

The Supplemental Spreadsheet 7/22/2022 was approved as well as the following:

Of Exhibit 1- Kaplan Budget Amendments, Pages 3 and 4 -

Fund 2220 - Item for Food Delivery (of Measure BB, Digg Deep Farm Food Delivery Program and Meals on Wheels); Fund 2415 - Two staff for Planning and Building Permit Counter

Page 9; Vice Mayor's Council Directives:

Direct the City Administrator or his designee to take the necessary steps to purchase the "Lake Merritt Lodge" as a permanent "transitional housing" city-owned resource, and seek additional grants and funding

Directive to work together with Alameda County and service providers to make available childcare to every household who needs it including through the use of the forthcoming ballot measure money that Oakland will be receiving.

Vice Mayor Kaplan's Additional Budget Directives:

- 1. Directive to work to identify additional funds to expand transitional homeless housing combined with services and job assistance, including pursuing a funding strategy with Lao Family Community Development CARE campus, and return to Council in September 2022 with funding options.***
- 2. Directive to work with AC Transit to pursue the options of free BRT on weekends, and the options for bulk discount transit passes for Oakland staff, and for program participants, such as DVP and OFCY program participants; and to report back to***

Oakland-AC Transit ILC, and Council, in fall 2022.

3. Directive to explore funding options and possible sources for remaining items listed on the Fund 1010 page of this submittal and return to Council in September 2022 with options.

4. Directive to return to Council by fall of 2022 with options for a citywide recruitment incentive funding program for job vacancies

5. Directive to return to Council by fall of 2022 with a plan to recoup the cost of police academy training for those who take that training and then do not stay to work in Oakland, and an informational report on what has been recouped so far, and what is owed.

6. Directive to pursue options for YSA village expansion and return to Council by fall 2022 with options.

7. Directive to pursue options to purchase a hotel for housing LGBTQ TAY homeless youth

From the Report Bas -7/7/2022, On Page 1,2 & 3

Budget Policy Directives to Include the following:

Housing and Homelessness, (Lake Merritt Lodge, And Care Campus), Community Grants, Early childhood development, Summer Foods Program, Wilma Chan Park, Arts and Culture, and Public Safety and Violence Prevention.

A motion was made by Rebecca Kaplan, seconded by Nikki Fortunato Bas, that this matter be Adopted as Amended. The motion carried by the following vote:

Aye: 8 - Thao, Taylor, Fortunato Bas, Gallo, Fife, Kaplan, Kalb, and Reid

NO VOTE: 0

- 6 Subject: Study Session On The General Plan Update
From: Planning And Building Department
Recommendation: Receive An Informational Presentation On (A) Key Background Conditions Presented In The Map Atlas And The Environmental Justice And Racial Equity Baseline; (B) The Environmental Justice Communities Screening Analysis; And (C) Community Engagement And Outreach Received; And (D) The Vision, Guiding Principles And Equity Framework For The General Plan Update To Guide Baseline General Plan Policy Development
[22-0119](#)

Attachments: [View Report and Attachment A - C](#)

[View Supplemental Presentation - 5/19/2022](#)

[View Supplemental Report And Attachment A - 7/22/2022](#)

[View Supplemental Presentation - 7/22/2022](#)

A motion was made by Carroll Fife, seconded by Treva Reid, that this matter be Received and Filed. The motion carried by the following vote:

Aye: 8 - Thao, Taylor, Fortunato Bas, Gallo, Fife, Kaplan, Kalb, and Reid

NO VOTE: 0

MOTION TO EXTEND THE MEETING PAST 6:00 P.M.

At 6:39 P.M. A motion was made by Councilmember Reid, seconded by Councilmber Kalb to extend the meeting past 6:00 P.M.. The motion carried with a vote of 8 Ayes:

At 6:39 P.M. a motion was made by Councilmember Reid, seconded by Councilmber Kalb to extend the meeting past 6:00 P.M.. The motion carried with a vote of 8 Ayes:

- 7** Subject: Encampment Funding Grant From The State of California
From: Human Services Department
Recommendation: Adopt A Resolution Accepting, Appropriating, And Authorizing An Agreement For Receipt Of An Encampment Resolution Funding (ERF) Grant From The State Of California In The Amount Of Four Million Seven Hundred Thirty-One Thousand Three Hundred Dollars And One Cent (\$4,731,300.01) To Fund Interim Housing Construction, Operations, And Services At 2601 Wood Street Through June 30, 2024
[22-0631](#)

Attachments: [View Report](#)
 [View Legislation](#)
 [89378 CMS](#)

A motion was made by Carroll Fife, seconded by Noel Gallo, that this matter be Adopted. The motion carried by the following vote:

Excused: 1 - Taylor

Aye: 7 - Thao, Fortunato Bas, Gallo, Fife, Kaplan, Kalb, and Reid

NO VOTE: 0

- 8** Subject: 2022 Pre-Authorizations For Homekey Projects
From: Housing And Community Development
Recommendation: Adopt A Resolution Authorizing The City Administrator To Apply As A Local Agency Partner For Funds In An Amount Not To Exceed \$200,000,000 For Affordable Housing Development Grants From The California Department Of Housing And Community Development's Homekey Program, And Allocating City Capital Matching Funds In A Total Amount Not To Exceed \$21,608,441 And City Operating Funds In A Total Amount Not To Exceed \$13,676,713 For Homekey Projects
[22-0607](#)

Attachments: [View Report](#)
 [View Legislation](#)
 [View Presentation](#)
 [89379 CMS](#)

A motion was made by Noel Gallo, seconded by Treva Reid, that this matter be Adopted. The motion carried by the following vote:

Excused: 1 - Taylor

Aye: 7 - Thao, Fortunato Bas, Gallo, Fife, Kaplan, Kalb, and Reid

NO VOTE: 0

- 9** Subject: Ordinance Amending Ordinance No. 13647 C.M.S.
From: Workplace And Employment Standards Department
Recommendation: Adopt An Ordinance Amending Ordinance No. 13647, Which Amended Certification Requirements In Oakland's Local And Small Local Business Enterprise (L/SLBE) Program, To Revise And Correct Certification Requirements [22-0648](#)

Attachments: [View Report](#)

[View Attachment A](#)

[View Legislation](#)

A motion was made by Vice Mayor Kaplan seconded by Councilmember Gallo to direct staff to meet with stakeholders who've raised complaints and expressed concerns, as well correspond with the City of San Francisco about a reciprocal program; once staff have undertaken both efforts, request staff to revise and return to Council. The motion passed with the following: 5 Ayes: Fife, Gallo, Kaplan, Thao, Bas; 2 No: Kalb, Reid; 1 Excused: Taylor

A motion was made by Rebecca Kaplan, seconded by Noel Gallo, that this matter be No Action Taken. The motion carried by the following vote:

Excused: 1 - Taylor

Aye: 5 - Thao, Fortunato Bas, Gallo, Fife, and Kaplan

No: 2 - Kalb, and Reid

NO VOTE: 0

- 10 Subject: DVP Data Management System
From: Department Of Violence Prevention
Recommendation: Adopt A Resolution: (1) Authorizing The City Administrator To Waive The Local And Small Local Business Enterprise Program (L/SLBE) And The Competitive Bidding Process And To Award A Five-Year Contract, From August 1, 2022 To June 30, 2027, To Social Solutions Global, Inc. For The Development Of An Apricot 360 Data Management System And For Annual Licensing And Technical Assistance Fees For A Total Amount Not To Exceed Five Hundred Thirty -Three Thousand Fifty-Six Dollars (\$533,056); And (2) Adopting One Of The Two Alternative Surveillance Use Policies Attached Hereto As Exhibits A And B Pertaining To The Apricot 360 Data Management System
[TITLE CHANGE]
[22-0209](#)

Attachments: [View Report](#)

[View Report Attachment A](#)

[View Legislation](#)

[View Power Point Presentation](#)

[View Supplemental Report - 7/7/2022](#)

[View Supplemental Legislation - 7/7/2022](#)

[View Supplemental Report - 7/14/2022](#)

[View Supplemental Report - 7/21/2022](#)

[View Supplemental Legislation - 7/21/2022](#)

[89380 CMS](#)

A motion was made by Council President Bas, seconded by Councilmember Gallo to adopt the item as amended. The motion carried with the following vote: 6 Ayes: Fife, Kalb, Kaplan, Gallo, Thao, Bas; 1 Abstein: Reid; 1 Excused: Taylor

Of the Supplemental Legislation - 7/21/2022; adding the following three WHEREAS clauses to read:

Whereas, the PAC took a vote at a special meeting on July 12, 2022, to approve Version A of the Apricot 360 Use Policy (Exhibit A) provided that personally-identifiable information (PII) in the Apricot 360 Use Policy be defined accordingly: "Personally identifiable information (PII) is any data that could potentially identify a specific individual. Any information that can be used to distinguish one person from another and can be used to deanonymize previously anonymous data is considered PII.

Whereas, the PAC's approval of Version A of the Apricot 360 Use Policy (Exhibit A) was also conditional on the consent form that is administered to all clients enrolling in individual-level services funded through the DVP being amended to include the following: (1) the definition of PII from the Apricot 360 Use Policy with several illustrative examples, (2) information regarding the risks associated with a data breach, subpoena, or public records act request included in Version A of the

Apricot 360 Impact Report that was submitted to the PAC for its meeting on July 7, 2022, and (3) the ability for clients to separately consent to their data being shared with the DVP and external evaluation partners

Whereas, the PAC's approval of Version A of the Apricot 360 Use Policy (Exhibit A) was also conditional on language within the professional services agreement between the City of Oakland and Social Solutions Global, Inc. pertaining to date consistent with the contract draft submitted to the PAC for review on July 7, 2022

Of the Supplemental Legislation - 7/21/2022; On Page 3, adding the following FURTHER RESOLVED to read:

FURTHER RESOLVED: That the City Council hereby adopts the Surveillance Use Policy attached hereto as Exhibit A pertaining to the Apricot 360 data management system along with the PAC recommended revised contract, consent form, and a definition of PII as further described in the preceding Whereas clauses

Of the Supplemental Legislation - 7/21/2022; On Page 3, removing the following FURTHER RESOLVED that reads:

FURTHER RESOLVED: That the City Council hereby adopts the Surveillance Use Policy attached hereto as Exhibit B pertaining to the Apricot 360 data management system and which among other things prohibits the DVP staff from accessing any client-level records or personally-identifiable information (PII) entered in the Apricot 360 system.;

Of the Supplemental Legislation - 7/21/2022 - Attachment - Apricot 360 Use Policy - Version A; Page 2, Under Section C. Data Collection, adding two paragraphs to read as follows:

For minor clients whose parent/guardian do not consent to share information with the DVP, contracted CBOs will use Unique Identifiers in lieu of Personally Identifying Information (PII). Unique Identifiers (UI) "are numeric codes that link to a key with client names and dates of birth by CBOS outside the Apricot 360 database"

Evaluation of CBOS in the DVP network will not be contingent on the rate of participant consent. If a CBO has a participant consent rate that is less than 80%, the DVP will work with the CBO to explore options for increasing rates. As is current policy, CBOs are required to submit ancillary data during an onsite program monitoring visit to ensure that the service delivery and outcomes, for which DVP has contracted, are accurately reflected and are being achieved.

And on Page 10, adding the following:

L. Evaluation

Within one (1) year after the adoption of this Use Policy, DVP shall return to the Privacy Advisory Commission and, subsequently to the City Council, which may include the Public Safety Committee, for an evaluation. Such evaluation shall include, but not be limited to, what data was collected, how it was used, consent rates of contracted CBOs, and any recommended changes such as to data collection for minor clients and future scoring, funding levels, or other actions related to consent rates of contracted CBOs.

A motion was made by Nikki Fortunato Bas, seconded by Noel Gallo, that this matter be Adopted as Amended. The motion carried by the following vote:

Excused: 1 - Taylor

Abstained: 1 - Reid

Aye: 6 - Thao, Fortunato Bas, Gallo, Fife, Kaplan, and Kalb

NO VOTE: 0

OPEN FORUM

The call of the que opened at 8:43 P.M. and closed at 8:48 P.M.

3 individuals spoke during Public Comment.

ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 6:30 P.M., Unless Extended By Majority Vote Of The Council)

There being no further business, the Council adjourned the meeting in memory of Greg Jones at 8:54 P.M.

Americans With Disabilities Act

If you need special assistance to participate in Oakland City Council and Committee meetings please contact the Office of the City Clerk. When possible, please notify the City Clerk 5 days prior to the meeting so we can make reasonable arrangements to ensure accessibility. Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

Office of the City Clerk - Agenda Management Unit

Phone: (510) 238-6406

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THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

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 8:30 A.M. TO 5:00 P.M.