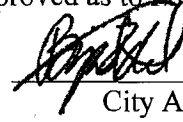


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2020 DEC 16 AM 12:28

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88448 C.M.S.

A RESOLUTION TO:

- (1) Amend Resolution No. 88280 C.M.S. Which, Among Other Things, Allocated \$5,220,000 In Homeless, Housing, Assistance And Prevention (HHAP) Funds For 13 Years Of Operating Subsidy For The Permanent Affordable Housing At Clifton Hall, Awarded A Grant To An Operator Selected By The City Administrator, and Allocated \$2 Million Of Funds From The Affordable Housing Trust Fund (Boomerang Funds) For The Rehabilitation Of Clifton Hall And Closing Costs, To:
 - A. Increase The Allocated HHAP Funds For Clifton Hall By \$1,780,000, For A Total Amount Of \$7,000,000;
 - B. Reduce The Allocated HHAP Funds For The Operating Subsidy By \$400,000; And
 - C. Allow Up To \$30,000 Of The Allocated Boomerang Funds To Also Be Used For Ongoing Property Management Services At Clifton Hall

- (2) Amend Resolution No. 88281 C.M.S Which, Among Other Things, Allocated \$1.2 Million Of The FY 2020-21 Measure Q Funds (Fund 2244) For The Cost Of Operating A Family Shelter By East Oakland Community Project (EOCP) At Its Current Emeryville Location And Relocating To Clifton Hall And Awarded A Grant Agreement To EOCP For The Same, To:
 - A. Increase The Allocated Measure Q Funds By \$719,000 For 15 Years of Utilities; And
 - B. Increase The Allocated Measure Q Funds For FY 20/21 By \$262,740 And Increase The Grant Award To EOCP By Same, For A Total Grant Award Of \$1,462,740

- (3) Waive Competitive Bidding And Award, To An Entity Selected By The City Administrator, A Professional Services Agreement For Property Management Services At Clifton Hall For A Term Of 15 Years, In An Amount Not To Exceed \$2,929,000, Consisting Of \$2,180,000 Of HHAP Funds, \$30,000 Of Boomerang Funds, And \$719,000 Of Measure Q Funds

WHEREAS, on May 12, 2020, the City Council passed Resolution No. 88109 C.M.S. and accepted and appropriated an award of Homeless Housing Assistance Program (HHAP) grant funds from the State of California in the amount of \$19,697,548 million; and

WHEREAS, on August 28, 2020, the City Council passed Resolution No. 88280 C.M.S. which, among other things, authorized the use of \$5,220,000 in HHAP funds as capitalized operating subsidies for the operation of permanent affordable housing at Clifton Hall, in addition to \$540,000 in funds granted by the State Department of Housing and Community Development (HCD) for the first 24 months of operation; and

WHEREAS, by the same Resolution No. 88280 C.M.S, the City Council allocated \$2 million of funds from the Affordable Housing Trust Fund (boomerang funds) for the rehabilitation of Clifton Hall and closing costs; and

WHEREAS, at the same meeting, the City Council passed Resolution No. 88281 C.M.S., which authorized up to \$1,200,000 of Measure Q funds for the cost of operating a family shelter by East Oakland Community Project (EOCP) at its current Emeryville location and relocating to Clifton Hall and awarded a grant agreement to EOCP for the same; and

WHEREAS, additional funds are needed for the operation of the family shelter at Clifton Hall for the next 15 years than originally projected; and

WHEREAS, to fund such additional costs, staff proposes that Council increase the allocated Measure Q Funds for FY 20/21 By \$262,740 and increase the grant award to EOCP by the same amount, for a total grant award of \$1,462,740; and

WHEREAS, staff also have determined that, as two separate tenants will operate at Clifton Hall and there will be shared common areas and utilities that will need to be managed, entering into a professional services agreement with a vendor to provide such property management services is the most efficient means of managing the property; and

WHEREAS, to effectuate such an arrangement, staff proposes the Council authorize the City Administrator to enter into a 15 year professional services agreement with an entity to be selected by the City Administrator, in an amount not to exceed \$2,929,000, consisting of \$2,180,000 of HHAP funds, \$30,000 of Boomerang Funds, and \$719,000 of Measure Q funds; and

WHEREAS, California Health and Safety Code section 50675.1.2 establishes a statutory exemption from the California Environmental Quality Act (CEQA) for projects using Homekey grant funds and other public funds that (a) provide safe and sanitary units restricted to individuals and families experiencing homelessness or at risk of homelessness for at least 55 years, (b) include commitments requiring all contractors performing construction work to be paid prevailing wage and use a skilled and trained workforce, and (c) do not increase the footprint of the building by more than 10 percent; and

WHEREAS, each as a separate and independent basis, the acquisition and management the Property and the conversion of the existing building into a family shelter and permanent affordable housing units satisfy the conditions of Health and Safety Code section 50675.1.2 and are exempt from CEQA review; and are also exempt from CEQA pursuant to CEQA Guidelines sections 15301 (existing facilities) and 15326 (acquisition of housing); and

WHEREAS, Oakland Municipal Code (OMC) Chapter 2.04 sets out purchasing and competitive bidding requirements for the provision of services on behalf of the City, which requirements may be waived upon a City Council finding that entering into service agreements without bidding is in the best interests of the City; now, therefore, be it

RESOLVED: That Resolution No. 88280 C.M.S. is hereby amended to: (a) increase the allocated HHAP funds for Clifton Hall by \$1,780,000, for a total amount of \$7,000,000; (b) reduce the allocated HHAP funds for the operating subsidy by \$400,000; and (c) allow up to \$30,000 of the allocated Boomerang Funds to also be used for ongoing property management services at Clifton Hall; and be it

FURTHER RESOLVED: That Resolution No. 88281 C.M.S. is hereby amended to (a) increase the allocated Measure Q funds by \$719,000 for 15 years of utilities; (b) increase the allocated Measure Q funds for FY 20/21 by \$262,740; and (c) increase the grant award to EOCP by same, for a total grant award of \$1,462,740; and be it

FURTHER RESOLVED: That pursuant to OMC Section 2.04.050, the City Council hereby finds and determines that the waiver of competitive bidding and requests for qualifications procedures for selection of the property manager for the management of and payment of utilities at Clifton Hall is in the best interests of the City; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee is authorized to award, to entity selected by the City Administrator, a professional services agreement for property management services at Clifton Hall for a term of 15 years, in an amount not to exceed \$2,929,000, consisting of \$2,180,000 of HHAP Funds, \$30,000 of Boomerang Funds, and \$719,000 of Measure Q Funds; and be it

FURTHER RESOLVED: The City Council hereby finds and determines, on the basis of substantial evidence in the record, that the actions authorized hereunder remain exempt from CEQA pursuant to Health and Safety Code section 50675.1.2; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to conduct all negotiations; execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, and payment requests; and to take any other related actions consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That prior to execution, all agreements, grants and amendments shall be reviewed and approved as to form and legality by the City Attorney and executed copies of same shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 15 2020

PASSED BY THE FOLLOWING VOTE:

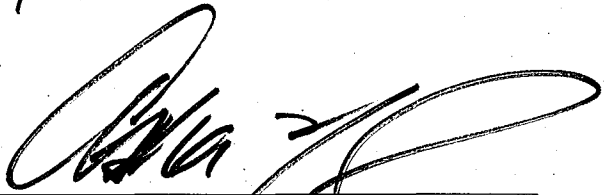
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, ~~BALLET~~, REID, TAYLOR,
THAO AND PRESIDENT KAPLAN — 7

NOES — 0

ABSENT — 1 Reid

ABSTENTION — 0

ATTEST:



ASHA REED

Acting City Clerk and Clerk of the
Council of the City of Oakland, California