

CITY OF OAKLAND

2009 SEP 17 PM 6:31

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Department of Human Services
DATE: September 29, 2009

RE: A Resolution Authorizing The City Administrator To (1) Waive The Competitive Process And Enter Into An Agreement For The Period Of October 15, 2009 Through May 15, 2010 In An Amount Not To Exceed \$276,682.64 With Anka Behavioral Health, Inc. To Open And Operate The Oakland Army Base Temporary Winter Shelter (OABTWS) from November 15, 2009 through April 30, 2010; And (2) Enter Into A Six Month Lease For \$1.00 A Year With The Oakland Redevelopment Agency For Use Of Building 821 At The Army Base From November 1, 2009 Through April 30, 2010; And (3) Allocate \$125,000 From Alameda County, And \$56,000 From The City Of Berkeley To Establish And Operate The Temporary Winter Shelter At The Oakland Army Base

SUMMARY

A resolution has been prepared authorizing the opening of the Oakland Army Base Temporary Winter Shelter (OABTWS) for the homeless for the 2009/2010 season. The resolution authorizes the City Administrator to accept cash contributions of \$125,000 from Alameda County and \$56,000 from the City of Berkeley to establish and operate the shelter. The resolution also authorizes the City Administrator to waive the competitive process and enter into a sole-source agreement with long-time operator Anka Behavioral Health, Inc., to operate the shelter. Approximate dates of operation will be from November 15, 2009 through at least April 15, 2010, or through April 30, 2010 if funds permit. The 100 bed shelter is established each winter to provide overflow shelter capacity for single adult male and single adult female homeless persons during the rainy season.

FISCAL IMPACTS

The overall budget for the winter shelter at the Oakland Army Base is \$276,682.64 in cash, and an additional \$53,000 in non-cash in-kind resources. The City of Oakland will cover the costs of operations through the following sources:

1. The City of Oakland will contribute \$95,682.64 as previously authorized by Resolution No. 82018 C.M.S., dated May 19, 2009.
2. \$114,000 from the City of Berkeley (\$56,000 in cash to City of Oakland, and \$53,000 in non-cash, in-kind contributions). The in-kind contributions include an \$11,000 in-kind contribution for referral agency coordination and a \$42,000 in-kind contribution for transportation (AC Transit and BART tickets); agreement pending Berkeley City Council approval in October

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2009. City of Berkeley funds are available in Social Services Grant Fund (2994), DHS Administrative Unit Organization (78111), Miscellaneous Operating Expenditures Account (52921), and Emergency Shelter Program-City of Berkeley Project (G368310).

3. \$125,000 in cash from Alameda County, available in Oakland Army Base Temporary Winter Shelter-Alameda County Fund (2160), DHS Administration Unit Organization (78111), Miscellaneous Contract Services Account (54919), and Oakland Army Base Temporary Winter Shelter Alameda County Project (G368510).

Funding for the winter shelter has been set aside in the approved policy budgets of both Alameda County and the City of Berkeley. In the unlikely event that any of the other jurisdictional partners are unable to participate in the joint agreement, the City of Oakland will operate the shelter for as long as possible, using only those funds identified and available above.

BACKGROUND

The OABTWS was first authorized in November 1999 and has operated annually since that time. The shelter was established under the authority of Ordinance No. 12201 C. M. S., an emergency Ordinance declaring a shelter crisis, and suspending planning, zoning and other permit requirements for the temporary establishment of a winter shelter for the homeless at the Oakland Army Base. The Ordinance authorized the City Administrator to take the necessary actions to establish the winter shelter and also authorized the City Administrator to extend the duration of the shelter crisis and shelter operations at their discretion due to continuing need. The continuing need provision have been invoked each year since 1999 to extend the shelter crisis and authorize the operation of the shelter.

As in previous years, building 821, located on Oakland Redevelopment Agency (ORA) property near West Grand Avenue and Maritime Street, is a proposed as the site for the winter shelter this year, and the Agency has prepared a lease for \$1 for the 2009/2010 season.

The City of Oakland acts as the fiscal agent for the OABTWS. The OABTWS is funded jointly by the City of Oakland, Alameda County and the City of Berkeley. Oakland contributes \$95,682.64 in cash and the building itself (through the Agency). Alameda County contributes \$125,000 in cash for shelter operations. The City of Berkeley provides \$56,000 in cash for shelter operations. The accompanying resolution proposes City Council authorization to enter into an agreement with Anka Behavioral Health, Inc., in the amount of \$276,682.64, for operation of the shelter.

In addition to the cash resources noted above, the City of Berkeley contributes \$53,000 in shelter provider in-kind coordination and transportation in-kind resources (AC Transit and BART tickets). The total budget for the OABTWS, including cash and in-kind resources, is \$329,682.64.

Legislation authorizing the allocation of funds for Oakland Army Base Temporary Winter Shelter has been agendized concurrently in each of the participating jurisdictions (Oakland City Council, Alameda County Board of Supervisors, and Berkeley City Council). The attached resolution authorizes agreements with the City of Berkeley and Alameda County and a shelter operating agreement with Anka Behavioral Health, Inc.

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KEY ISSUES AND IMPACTS

The City of Oakland, in cooperation with the City of Berkeley and the County of Alameda, is again jointly sponsoring the temporary winter shelter at the Oakland Army Base from approximately November 15, 2009 through at least April 15, 2010, or through April 30, 2010 if funds permit. Building 821 on the Oakland Army Base will be used for the temporary shelter. It is a suitable site for the shelter of single adult men and women.

Building 821 is a rehabilitated warehouse that is well lighted and spacious with partitions between the men's and women's dormitories. Space is also partitioned off for a lounge area and a dining room. The building does not have showers or toilets. Portable showers are leased, as are porta-potties, including handicapped accessible toilets. Food is prepared off site and brought to the shelter once during the evening and once in the morning. No fewer than three staff persons are present in the shelter on each of the two shifts. The shelter opens at 3:00 P.M. and closes at 8:00 A.M. the following day. The shelter can accommodate up to 100 persons. Beds, games, tables, chairs, televisions and case management support are provided to clients.

Due to other planned uses of the Oakland Army Base the current location may be unavailable beyond the current season. The City Council has selected a master developer for the Army Base site and granted an Exclusive Negotiating Agreement (ENA) to the developer. Staff is currently working with the developer to identify a substitute building for use as a shelter in the future.

Also relevant is a new state law, SB2, which took effect on January 1, 2009. SB2 requires all cities and counties to provide at least one zoning category in which emergency shelters can be located without discretionary approval (i.e., a conditional use permit) from local government. The zoning category must be identified in the locality's housing element, and include at least one site suitable for use as an emergency shelter. Compliance with the law will require modifications to existing zoning regulations and ordinances governing emergency shelters in Oakland. Staff is working with CEDA zoning and planning staff to facilitate compliance with the new law.

PROGRAM DESCRIPTION

The proposed operator of the OABTWS is Anka Behavioral Health, Inc. (formerly Phoenix Programs, Inc.). Anka Behavioral Health, Inc. is a 501(c) 3 private, non-profit corporation, registered in the State of California. Anka has operated the winter shelter for the last four years and is well qualified to operate the OABTWS under the proposed contract. Anka currently operates 45 programs in California for homeless and special needs populations. Anka currently operates three transitional housing programs in Alameda County, including the Henry Robinson Multi-Service Center in Oakland, under contract with the City of Oakland. Anka has a respected track record in the operation of emergency and transitional housing and has the necessary fiscal and operations infrastructure capacity. Anka has experience as a contractor with the City of Oakland, and is in full compliance with the Living Wage Ordinance, Equal Benefits Ordinance, and other requirements of the City's contracting process. Because Anka has experience in operating the OABTWS, and because staff has not been able to identify any other provider in the homeless services community to

operate the shelter, staff recommends that the City Council find that it is in the best interest of the City to waive the requirement for competitive process for this contract.

The 2009 EveryOne Home Homeless count indicates that, on any given night, there are over 2,000 persons in Oakland who are literally homeless. The City has approximately 397 shelter beds to accommodate this population, with an additional 125 beds being funded during the cold winter months through the Winter Relief Program. Some of the persons who use the shelter are chronically homeless and have lived outside and unsheltered, or in homeless encampments, for some time. Others using the shelter are temporarily in transition from institutions or other residential circumstances. Others include the working homeless, who work during the day and sleep at the shelter at night. With a need so great and resources to meet the need for shelter so limited, an additional winter shelter is greatly needed.

The cold weather and rain of the winter months cause extreme hardship for those homeless persons who are unable to find shelter, and existing shelters must turn homeless persons away every day during the winter months. The establishment of this shelter will allow the most fragile of the homeless population in danger of death due to exposure to come in off the streets. It will also allow those in transition from institutions or other circumstances to have a temporary base from which to pursue self-sufficiency. It also gives the working homeless a secure place to stay within reasonable commute distance of employment districts.

SUSTAINABLE OPPORTUNITIES

Economic: Programs and services for homeless and low-income persons, including the working homeless, provide a stable environment that permits them to more readily access employment opportunities.

Environmental: The Oakland Army Base Winter Shelter provides an alternative place to sleep for residents of homeless encampments and mitigates the accompanying environmental degradation caused by the proliferation of litter, debris, human waste and other negative environmental impacts.

Social Equity: The expenditure of City funds upon the most needy in the community provides for the most basic of human needs and assists the homeless to become reintegrated into society.

DISABILITY AND SENIOR CITIZEN ACCESS

Building 821 on the Oakland Army Base is accessible to persons with disabilities. Bathroom and shower facilities that are accessible will be leased for use during the operation of the shelter. Senior citizens are welcome at this temporary shelter. Comparable shelter and/or services can be provided for anyone for whom the building presents too great a challenge.

RECOMMENDATIONS AND RATIONALE

1. That the City Council authorize a \$1.00 lease with ORA for building 821 at the Oakland Army Base from November 1, 2009 through April 30, 2010

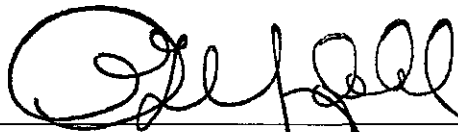
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2. That the City Council authorize the Oakland Army Base Temporary Winter Shelter to open on or around November 15, 2009 and operate until at least April 15, 2010, or through April 30 if funds permit.
3. That the City Council authorize the City Administrator to accept funds from the City of Berkeley and Alameda County in the amounts specified in this report and appropriate said funds for the purpose of funding the operation of the Oakland Army Base Temporary Winter Shelter. That the City Council authorize the execution of Agreements with the City of Berkeley and Alameda County Housing and Community Development for the transfer of funds.
4. That the City Council waive the competitive process and authorize the City Administrator to enter into a shelter operating agreement in the amount of \$276,682.64 with Anka Behavioral Health, Inc., for the period of October 15, 2009 through May 15, 2010.
5. That the City Council authorize the City Administrator to accept and allocate for shelter operation any additional funds from the City of Berkeley, Alameda County or any other sources willing to fund the Oakland Army Base Temporary Winter Shelter.

ACTION REQUESTED OF THE CITY COUNCIL

Approve a resolution to operate a temporary winter shelter at the Oakland Army Base for the 2009/2010 season.

Respectfully submitted,



ANDREA YOUNGDAHL
Director, Department of Human Services

Reviewed by:
Susan R. Shelton, Manager
Community Housing Services

Prepared by:
Michael K. Church
Program Analyst II

**APPROVED AND FORWARDED TO THE
LIFE ENRICHMENT COMMITTEE:**



Office of the City Administrator

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FILED
OFFICE OF THE CITY CLERK
OAKLAND

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Approved as to Form and Legality

OAKLAND CITY COUNCIL

Kathleen Salter Boyd
City Attorney
For Mark Moskowitz

RESOLUTION No. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) WAIVE THE COMPETITIVE PROCESS AND ENTER INTO AN AGREEMENT FOR THE PERIOD OF OCTOBER 15, 2009 THROUGH MAY 15, 2010 IN AN AMOUNT NOT TO EXCEED \$276,682.64 WITH ANKA BEHAVIORAL HEALTH, INC. TO OPEN AND OPERATE THE OAKLAND ARMY BASE TEMPORARY WINTER SHELTER (OABTWS) FROM NOVEMBER 15, 2009 THROUGH APRIL 30, 2010; AND (2) ENTER INTO A SIX MONTH LEASE FOR \$1.00 A YEAR WITH THE OAKLAND REDEVELOPMENT AGENCY FOR USE OF BUILDING 821 AT THE ARMY BASE FROM NOVEMBER 1, 2009 THROUGH APRIL 30, 2010; AND (3) ALLOCATE \$125,000 FROM ALAMEDA COUNTY, AND \$56,000 FROM THE CITY OF BERKELEY TO ESTABLISH AND OPERATE THE TEMPORARY WINTER SHELTER AT THE OAKLAND ARMY BASE

WHEREAS, over two thousand homeless persons are living outside and unsheltered in the City of Oakland at any given time; and

WHEREAS, the existing homeless shelter system in the City of Oakland provides approximately 397 shelter beds per night; and

WHEREAS, the existing shelter system operates at or near full capacity for most of the year and there are a significant number of people turned away; and

WHEREAS, there is a need for additional shelter beds during the winter months, when many of the homeless population are at risk of death due to exposure to the elements; and

WHEREAS, the City of Oakland provides 125 additional shelter beds during the winter months through its Winter Relief Program; and

WHEREAS, the City of Oakland could provide 100 additional beds by establishing a temporary winter shelter; and

WHEREAS, the Oakland Redevelopment Agency has agreed to allow the use of a building on the Oakland Army Base as the site for the homeless shelter from approximately November 1, 2009 through April 30, 2010; and

WHEREAS, staff from the City of Berkeley and the County of Alameda are working in cooperation with the City of Oakland to jointly fund the temporary shelter at the Oakland Army Base and are in the process of authorizing the transfer of funds by the Berkeley City Council (\$56,000 in cash, \$11,000 in-kind agency coordination and \$42,000 in-kind contribution for transportation) and the Alameda County Board of Supervisors (\$125,000 in cash) for this purpose; and

WHEREAS, staff has been unable to find any provider in the homeless services community other than Anka Behavioral Health, Inc. that is interested in operating the shelter; and

WHEREAS, the City desires to enter into funding agreements with the City of Berkeley, Alameda County Housing and Community Development Department, enter a 6 month lease for \$1.00 per year with the Oakland Redevelopment Agency for use of Building 821 at the Oakland Army Base for the shelter, and enter an operating agreement with Anka Behavioral Health, Inc. to operate the shelter; and

WHEREAS, the City of Oakland allocated \$95,684.62 for the Army Base Winter Shelter by Resolution No. 82018 C.M.S., dated May 19, 2009; and

WHEREAS, during the course of operation of the Oakland Army Base Temporary Winter Shelter (OABTWS) other funding sources may be identified to contribute to the operation of the shelter; and

WHEREAS, there are a great number of very low income households in Oakland that are either homeless or at-risk of a loss of housing; now, therefore, be it

RESOLVED: That the services to be provided by the Anka Behavioral Health, Inc. at the OABTWS are temporary and of a professional nature, and the contract will not result in the loss of employment or salary by any person having permanent status in the competitive service; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 2.04.051B, the City Council finds and determines that it is in the best interests of the City to waive the competitive request for proposal/qualifications process for the contract with Anka Behavioral Health, Inc. and so waives the requirement; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to enter into an agreement with Anka Behavioral Health, Inc. for the period of October 15, 2009 through May 15, 2010, in the amount of \$276,682.64 for operation of the OABTWS; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to enter into a six month lease with the Oakland Redevelopment Agency from November 1, 2009 through April 30, 2010, for use of Building 821 at the Oakland Army Base for \$1.00 per year; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to allocate \$56,000 from the Social Services Grants Fund (2994) DHS Administration Unit Organization (78111), Miscellaneous Operating Expenditures Account (52921), and Emergency Shelter Program-City of Berkeley Project (G368310) and \$125,000 from Alameda County Housing and Community Development Department Oakland Army Base Temporary Winter Shelter-Alameda County Fund (2160), DHS Administration Unit Organization (78111); Miscellaneous Contract Services Account (54919), Oakland Army Base Temporary Winter Shelter Alameda County Project (G368510) for the operation of the Winter Shelter; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, payment requests, and related action which may be necessary to establish and operate the shelter and purchase and install the security cameras without returning to Council; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to accept and appropriate for shelter operation any additional funds from the City of Berkeley, Alameda County or any other sources willing to fund the Oakland Army Base Temporary Winter Shelter without returning to Council; and be it

FURTHER RESOLVED: That said agreements shall be reviewed as to form and legality by the Office of the City Attorney and copies will be filed in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California